

APPENDIX

(The following document represents the official text and explanation of the 1968 constitution as released by the Greek Government :)

FUNDAMENTALS OF THE CONSTITUTION ATHENS 1969

FOREWORD

The work following hereunder, is an effort to present the new Constitution in its most basic lines, in conjunction with the amendments effected by the national government and attested by the Greek people, through the referendum of September 29, 1968. The present, does by no means constitute an effort to comment in detail, what is more in an expertly way, on the legal problems, derived thereof. Notwithstanding this, however, the way in which the said work is presented in general as well as the remarks made therein, aim mainly at a scientifically satisfactory and thorough presentation of the institutions of the Constitution—with the burden cast on its innovations—so as to form a responsible and feasibly adequate picture about it. Also, an effort has been rendered toward a simple formulation and a systematic arrangement of the text.

The most indicated arrangement, has been considered to be the one followed in the writings of constitutional law, which is also suggested by the very constitution itself. Thus, the entire material is divided in two parts.

Part 1 refers to the general (original) provisions of the constitution (articles 1-7) as well as those governing the relations between individuals and state authority (articles 8-29).

Part 2 has as its main subject the structure of state authority, to wit the specifying of the agencies exercising same and the relations ensuing thereof among each other (articles 30-132). Within the frame of part 2 one will also find an elucidation of the constitution's definitions concerning its review (article 137).

Finally, part 3 contains the text of the new Constitution.

Athens, May 1969.

PART ONE

I. THE NECESSITY FOR A REVIEW FROM A POLITICAL AND SCIENTIFIC POINT-OF-VIEW

(a) The necessity for a review of our Constitution had repeatedly been ascertained by Greece's political world. Long before the revolution of April 21, 1967, political personalities and party representatives—not even excluding the Communist Party—had already spotted constitutional institutions and provisions which because they were obsolete, vague, and dubious, as for instance the ones regarding the King, were creating explanatory difficulties, friction, feuds among the parties eventually leading to social disorder and insecurity.

(b) Still greater importance, lies on the fact that the necessity for a review became imperative from other points-of-view as well, these ones stressed by scientific research.

That is to say, with regard to the relations between citizens and State, the increasing expansion of state activities over a multitude of fields previously covered by private initiative, resulted in a close dependence of the citizen on the state. The said dependence is manifested in a most precise way through the positive grants made to individuals, falling within certain categories, who

are in need of state relief, for example, through monetary grants made to families having many children, war invalids, et cetera. Yet, a positive grant is also the one made through the establishment and maintenance of enterprises and various other public weal installations by the state, where the citizens, may, in a cheap and secure way, have in their disposal the rudimentary goods for a livelihood such as electricity, water supply or the enjoyment of certain cultural events as for instance visiting a museum or going to a concert. Through the aforementioned grants, the state becomes an indispensable partner and assistant not only during difficult but also during easy or normal circumstances.

Certain livelihood relations or grants are nowadays considered to be a self-evident matter of special state interest and care, for example the family in general, public health, social security, labor, and finally the very economic development itself. The complete absence of the state from the exposed fields, is certain that would lead, always on the basis of current data, to the path of exploitations, clashes, troublemaking, insecurity and decadence. Hence, the special state interest introduced by the new Constitution not only is justified but essential too for it covers deep primary importance mutual needs for society and the state, which nowadays are interlinked, perhaps more than ever before.

(c) Every citizen has, on account of the above, an important interest by now in seeing that the state, as an organization, is operating in an orderly way, with precision and efficiency, because otherwise it cannot bring securely to bear its so very important mission for the development and even the very lives of the individuals. Thus, the Constitution must, as a fundamental law of supreme authority, lay modernized and rationalistic foundations for the set up of state activities, such as the precise description of the jurisdictions of the agencies of executive, legislative and legal authority, the decentralization in the performance of state jurisdictions, et cetera, so as to meet the needs of the individuals as well as the totality fully and rapidly, in view of today's fast changing circumstances.

From the importance of the mission of the contemporary state for all individuals concerned, as well as the necessity for its good and uninterrupted operation, rises the need for an increased state protection against internal enemies who, although a small minority, may plot against order, peace, and security. A contemporary constitution can and has to anticipate, whenever circumstances make it necessary, for drastic measures against these perils for the sake of maintaining the peace and progress both of the society and of the state, especially when such perils result from organized and obscurely working forces.

II. MODE OF REVIEW

If the necessity for a review of the Constitution has been indisputable and essential from every point-of-view, it is not less notable to examine the mode in which this review has been realized. In fact, it was not an unrighteous thing to do to characterize the said mode as an event for our country's constitutional history. What is more, not even foreign countries that are at this time oddly lamenting over Greek affairs, could show a similar and so extended effort of orientation and elucidation of the population masses, on the value and significance of a constitution under vote. The Greek people, in their entirety, were given the possibility to freely express their opinion on the various articles and institutions of the formerly effective Constitution and compare it with the draft for a new one, after previously or simultaneously being advised on the meaning and contents of a constitution in general as well as its institutions. This was done by means of the radio, the press and other publicity media and also through group talks or orientation briefings. The way the people responded to this invitation was by no means inferior to the expected results. The views of the citizens, irrespective of social class, were expressed on specially printed newspaper cuttings or in separately mailed letters, and referred in their majority to the critical subjects of the relations between the Government, the Parliament and the King. The fact that these views were taken into account during the redaction of the new Constitution follows from a comparison between many of the views and the corresponding articles of the new Constitution. Likewise, the high percentage of voters that have accepted the Constitution, can be explained only as a clear indication of the fact that the views of the Greek people and those of the National Government are identical. Therefore, the democratic nature of the new Constitution, insofar as its authority is concerned, constitutes a reality which cannot be refuted.

III. GENERAL PROVISIONS

Out of the contents of part 1 (general provisions) of the new Constitution, particularly worth mentioning and therefore more important are the provisions regarding the relations between the state and the church, the form of the government, the language question and the principle equality.

With regard to the question of the relations between the state and the church (article 1), the new Constitution, following the pattern of a whole series of previous Greek constitution, lead by our country's history of the last few hundredth anniversaries and abiding by the religious beliefs of the Greek people in its totality, establishes the Eastern Orthodox Church religion as the one prevailing in Greece. The term "prevailing" religion does by no means indicate any superiority or all the more so its imposition over any or all the other known religions or creeds. Yet, it declares the official character (see articles 3111, 39 11, 411) which is manifested during say the official state holidays. The aforementioned reasons, compelled the constitutional legislator to particularly protect the prevailing religion against anyone deceitful and menacing action such as propaganda and conversion.

The freedom of religious confidence and correspondingly its free expression in any way by the individuals with regard to principles, for example, through participating in acts of worship as well as the freedom of not participating in similar manifestations due to lack of a religious conscience, are fully protected by the Constitution (article 16, paras. 1, 11) as being the irrevocable rights of all concerned. The limits for the practicing of religious freedom are stipulated in article 16, paras. IV, V.

To the end of strengthening the self-governing of the Orthodox Church toward the state, the new Constitution requires the previous opinion of the Permanent Holy Synod on every bill or bill motion concerning the organization as well as the administration of the Orthodox Church.

(b) As was the case with the previous Constitution, the new one currently effective likewise describes Greece's form of government to be a "crowned Democracy" (article 21). The center of gravity in this term is that of a republic. The adjective crowned is prefixed in order to define the limited character of the Republic from the point-of-view of mode of its practicing—through the King who, being the Supreme Lord for life and being also hereditary on a constitutionally designated order, practices certain of the jurisdictions conceded to him by the sovereign authority, to wit the people, through the Constitution, article 55).

The following paragraph gives an analysis (article 2 II) of the basic points of the content of the Republic and proclaims the self restriction of the people through the Constitution, with regard to its practicing. Thus, the State authority is unified and springs solely from the people who entrust its practicing (article 3) to legislative agencies (Parliament, King), executive (King, Government) and legal agencies (courts). Consequently, we have to do with a representative form of a Republic, operating under the regime of a triple separation of the State authority, the way same is nowadays generally acceptable.

A new characteristic, referring to the mode of practicing State authority, is introduced by the new Constitution in its ruling that every and all political authority does not solely spring from the people—especially in its primary form, i.e. the constituent authority—as it also springs from each of the three authorities through their agencies, such authority being thus practiced for the people and the nation.

This way, it is exalted that every and all practicing of State authority, must aim at the interest of the people and of the nation.

(c) To eliminate all impediments for a normal evolution of the Greek language, the last phrase of article 107 of the previously effective Constitution has been deleted, the said phrase prohibiting "every intervention to corrupt" the official language of the State. Hence, the official language of the State—as well as education as per an addendum of the new Constitution—is the language of legislative texts and the Constitution itself. The proclamation of this linguistic form as the "official Greek language" has the meaning of establishing a uniform type of language, without banning a further linguistic evolution.

(d) Among the provisions of article 7 of the Constitution, the one establishing the equality of the Greeks in front of the law is of primary importance. The principle of equality does not only bind the applier of the law (administration, courts) as it binds the very legislator himself, who must regulate similar situations or relations in an equal way, as formerly accepted by supreme courts.

An immediate result of the broadly established principle of equality, is the fact that it is applied in those important instances, mentioned in the Constitution.

Thus, the Constitution safeguards the equality concerning the fulfillment of taxation obligations in proportion to the capacities of each and everyone, guarantees equal terms with regard to the admission and career in public service, with the exception only of such cases as introduced by special laws; notwithstanding this, however, even these cases have to be based on actual reasons, to wit they must not be arbitrary—arbitration being the most serious form of violation of equality. Finally, the Constitution denies the acknowledgment, or the bestowal (by foreign nations) of any titles of distinction or nobleness to Greek citizens.

It is self-evident that the Constitution does not acknowledge any such rights, not even with regard to the Greek State.

IV. THE FREEDOM CONCEPT OF THE CONSTITUTION

(a) Prior to referring to the innovations of part 3 of the Constitution, it would be useful to pay attention to the concept regarding freedom, is this as introduced by same (part 2, chapter A). We have to do with a freedom which is characterized by a mingling of the individual with the social items: A social freedom. This freedom meets its limits in the rights, that is, the freedom of the others, the moral law, as this is expressed in the Greek Christian Orthodox spirit, as well as in the constitutional order (see article 9). The said limits insure the last prerequisites for a normal, peaceful life, a life nowadays developing out of necessity into an incessant contact and communication with other people. It is for this reason that these limits are valid in that they are the obvious limits for the application of any other special individual right contained in the Constitution.

(b) The new Constitution has effected certain changes in the list of special individual rights following after the general individual rights on the free development of the personality in general. These changes are adaptations to the social and/or individualistic ideology. Already, the general individual right mentioned above, is taking, though limited in extent, a social hue too, through the addition of the application limits which are congenial to it (the rights of others, the moral law, the constitutional order). An intense social hue is mainly applied on the freedom of the press and the right of property, without losing their basic character—this being especially true for property—as individual rights.

Thus, proprietorship, being under the protection of the state may be taken away by virtue of alienation, the prerequisites of which are directly arranged by the Constitution (article 21). However, the new Constitution goes still further on by allowing, by virtue of a law in this connection, the (temporary) appropriation of the free usage and usufruct of property.

Of course, this does by no means purport an elimination of the very right of proprietorship and yet, in reality it is equivalent to same since the proprietor is thus being deprived of every practical usage of his property. Nevertheless, the meaning of this limitation for the success of broader economic prospects on the part of the state is obvious. Also, through implementation of similar principles, derived from the perception regarding a welfare state, within the frame of the provisions on property, an alienation system by zones is now being established and so is the indemnity in kind on city planning and street pattern plans as well as the redistribution of land.

The social content of freedom of press (article 14) is manifested in the proclamation according to which the press performs a public mission entailing rights, duties, and responsibilities as regards the accuracy of the published material.

Besides, within the frame of the constitutional provisions regarding the press, care is being taken for the protection of the private and family life of public men as well as citizens, which means that in the clash between freedom of the press and freedom of the development of the personality (this including also the sphere of the person's family relations), the Constitution, consistent with its basically liberal orientation, places itself explicitly in favor of the second.

Following the same line, the constitutional legislator specifies the maximum limits of duration of the detention pending trial (article 10). In the past, the problem of deciding on the time limits for such detention was left with the law. The latter did not even preclude a considerably prolonged period of same by means of applying the method of a never ending inquiry.

This chapter re: Personal rights, contains a provision (article 23) providing protection for capital influx from abroad destined for investments. This protec-

tion is extended over foreign firms dealing in commercial and industrial enterprises, which are establishing in Greece as well as ships raising the Greek flag. Modification of the laws governing foreign capitals is permitted only with an eye to offering still greater protection to same.

(c) Two provisions of the Constitution, especially protective for the citizens, are to be found in the chapter concerning the jurisdictions of the Parliament (articles 82, 86).

According to the first provision, it is not permitted to levy taxes or other financial charges through laws with retroactive effect. The second provision rules that a law which is not really an expository law, according to the criteria of the legal science, has the effect of a new law. Consequently, it is not any more possible to increase the commitments of the citizens for past time using the method of expository laws. Both provisions aim at protecting the citizens from arbitrariness of the law authority.

Social freedom was mentioned in previous paragraphs above, to wit that kind of freedom which starts from the same point used by the freedom of a purely liberal ideology, that is, human dignity. Yet, as it is a freedom existing in an organized society with other people wishing in a similar way to express their own freedom through their own activities and works, the Constitution acknowledges certain cogent and self-explanatory limits that are necessary for the existence and the operation of lawful order, that is, the state, the latter guaranteeing this freedom in the last analysis. The most important limit to the activities of such persons or their associations in accordance with the spirit of the Constitution in general should—in addition to the rights of the other citizens and the commonly acceptable moral law—be, indispensably constitutional order, i.e. the totality of certain fundamental rules for the existence, the operation and the development of the state. At any rate, in order to maintain this order it is advisable and sometimes imperative to take drastic measures against consciously and wilfully opposing forces. Hence, it would be justified to totally or partially bereave certain individual rights—to wit those by means of which the aforementioned opposition is virtually materialized—in certain occasional and special cases (article 24). The same would be true of a constitutional prohibition of a certain form or action of political parties (article 58), cooperatives or unions (article 19). The said bereavement, or prohibition is always effected by a third party, independently of the executive and legislative authority, sort of an umpire, to wit the constitutional court. As previously stressed, it is a necessary means of self-defense of contemporary republics against their enemies. Besides even the classical Athenian Republic acknowledged the institution of banishment, through the reforms effected by an outstanding democrat, that is, Klisthenis, as its last resort of self-defense against its underminers.

V. SOCIAL STATE

Through a system of provisions following after the individual rights chapter, the Constitution means to authenticate the state activities, which in certain fields have already started, especially those of a more general social interest, and further on to set for the future the foundations for a social state (article 26 and following articles).

(a) The meaning of the welfare state is expressed in the Constitution toward a social justice direction. The social justice takes the shape of a special state interest for persons of a certain category, usually financially weaker ones, or for certain relations or conditions that have a particular meaning for the totality. Thus, marriage and the family are protected, especially the family with many children, and so are war invalids, the widows, as well as the orphans of soldiers killed in war action. Similar care is taken by the state in order to ensure employment for all, with protective measures for workpeople aiming at their financial and moral elevation. An entirely particular interest is displayed for public health, the population's social insurance as well as housing for those who lack it.

State interest for the amelioration of the population's living terms reaches up to a broad-scale policy for the country's economic development both in the center as well as in the circumference. Thus, the so-called state intervention, so useful for the balancing of the multitude of contrasting group interests due to the allocation of public works in today's developed societies, is now acquiring a constitutional foundation and a precise direction.

The social state is practically nearing the last limits of intervention insofar as the establishment of farmer and urban cooperatives are concerned (article

29). Here, the state interest reaches up to the point of obligatory participation of the citizens to the said cooperatives which properly organized and operating may offer to their members, their social class as well as the totality quite outstanding economic and other kinds of benefits—as attested by the experience acquired in other countries and in the past even in Greece with regard to certain individual cases.

(b) To realize social justice up to the extent covered by the Constitution is certainly a matter concerning primarily the legislator. The latter, moving within the area of a social state, has to decide in accordance with the spirit of the Constitution by protecting, looking after and supporting the ones that are really in need of state assistance and relief. Yet, the constitutional plea for social justice never ceases influencing the rest of State authorities (courts, administration, Government) sort of a path to be followed to the direction of finding a mode of application for legal rules that has to serve the objectives of the social state.

PART II

VI. THE KING

As follows from the totality of the provisions that have to do with the institution of kingship, the basic aim of the Constitution is to make clear the position and jurisdictions of the King, especially in those points which caused extremely keen litigations to the detriment of the very institution of kingship.

(a) The critical points, due to their nature, among the King's jurisdictions are the following :

(1) the one concerning the appointing of the Premier and through him of the Government

(2) the one concerning the dissolution of the Parliament.

1. With regard to the first point (article 43) the new Constitution, consistent to parliamentary principles, rules that the King, following the elections, is obliged to appoint to the post of Prime Minister the leader of the political party that has complete majority in the Parliament. If no party has complete majority, then the Parliament is convened, this being capable of bringing forth the mandatory appointment of the Premier, should it indicate him on a complete majority basis. In the contrary case, the King is offered the alternative of seeking a Premier himself, after previously listening to the opinion of the now existing Council of the nation—this being an additional clarification of the King's jurisdictions—the latter comprising political and nonpolitical personalities. The King is also obliged to listen to the opinion of the same Council in the case of dismissing the Government.

2. With regard to the dissolution of the Parliament (article 46), the new Constitution allows same to the King, provided he will listen to the Council of the Nation. Of course, the opinion of the Council of the nation is not tying for the King. Yet, it should have particular importance due to the authority of the personalities partaking to the Council (article 54), hence influencing the decisions of the King, these decisions not being taken any more in a Privy Council atmosphere but rather following an objective and cool discussion, what is more by an agency provided by the Constitution and being specifically manned beforehand. Any deviation from the opinion of the Council of the nation should create for the King a moral obligation for a thorough explanation which, on account of its moral character, does not have to be imprinted on the text of any one State act e.g. the bill regarding dissolution of the Parliament. In conclusion, through the operation of the Council of the nation the King's jurisdictions are now being democratized, while the prerequisites are also being established for smooth relations between the State's direct agencies.

(b) The jurisdictions of the King acting as a factor of the legislative authority also needed some clarification and readjustment (article 47). Thus, on legislative bills passed by the Parliament, the King is entitled to refuse their ratification and publication only once. This because when same are resubmitted to the Parliament—which procedure seems to be mandatory—if approved by a complete majority, cause an obligation for the King to ratify and publicize them within a fixed time limit. The right of bill motions is correspondingly shaped, such rights belonging according to the new Constitution to the Parliament and the Government (article 78 I).

(c) Also, the King grants pardon, as in the past, only following a motion by the Minister of Justice as well as an opinion by a special council comprised in its

majority of judges (article 52). Finally, the King rules over the armed forces, while the Government is actively in command of same (article 49).

(d) As with the old so with new Constitution, the King is the Supreme Lord of the State. Likewise, according to the new Constitution, he is characterized as the nation's Symbol of Unity (article 30). He is an irresponsible and inviolable instrument of the State (article 33), whose political actions, just because of his irresponsibility, are valid only if cosigned by another competent constitutional instrument, i.e. the occasional Ministers. The latter solely by means of their signature, undertake the responsibility of the King's actions (article 42).

VII. THE PARLIAMENT

The innovations appearing in the chapter regarding the Parliament, aim at ensuring a more efficient operation of same with an eye to a faster, better and more responsible performance of its jurisdictions.

The Parliament, per an old-time tradition, has two basic jurisdictions:

It legislates, as per article 3, 71.

It supports and controls the Government (article 93).

(a) For a faster performance of legislative work, which in view of the continual expansion of State activities over diversified fields, with regard to concentration, has become so necessary and difficult as well, it is anticipated to divide the plenary assembly of the Parliament in two sections (article 71 III). These two sections will be in a position to work, for reasons of timesaving and of course a certain specialization which will be attained with time as to certain fields, on different law bills. The strength of the political parties in the aforementioned sections, is proportionate to their strength in the Parliament plenary assembly. Consequently, the preferences of the people will be reflected in the two sections to the same degree as in the parliament. Yet, with regard to the more important legislative works, the Parliament's Plenary Assembly is the only one responsible (article 72). The said assembly is also entitled to look after any other law bill which can very well be discussed and passed by the sections, but due to its contents and timeliness, requires particular attention and increased responsibility.

The (qualitatively) better performance of the legislative task is served through a series of provisions, usually of imperative nature as to their contents. This imperative nature sometimes reaches to the point of invalidation of a transgressively added provision, e.g. a provision which is irrelevant to the main contents of a law and/or the very law itself in its totality (when it contains several, between each other, irrelevant law provisions), article 80 VI.

The provisions seeking the aforementioned purpose, pertain either to ensuring an objective and detailed discussion (debating and initial passing of the bill drafts per article and per total of bill drafts, legal technique elaboration by a special committee, submission of an explanatory report by MP's or Ministers proposing the bill) or to expressing an opinion by agencies which are materially competent—this opinion being tying practically most of the times—in order to brief the Parliament on the consequences of a legislative measure (e.g. reports made by the State Accounts Office, the Minister of Finance, etc. on bill drafts entailing expenses or dwindling of the State revenue) or else to rules ensuring a thorough and diligent formulation of the laws (homogeneity of their contents, e.g. by proclaiming void any statutes comprising provisions irrelevant to each other or by passing without amendments, by virtue of a special law, legal or administrative codes compiled by expert committees).

The guaranteeing of the abidance by the provisions referring to the better performance of the legislative task, at least on those being of imperative nature, is entrusted by the Constitution to the courts (article 118). This because courts are obliged not to implement law provisions, et cetera, which have been made through a transgression of the Constitution, to wit whose redaction procedure is not compatible with the Constitution. Hence, there is a guarantee regarding the precise abidance by the Constitution, on the part of the legislative authority.

(b) A most responsible fulfillment of the jurisdictions of the people's delegation (legislature, support and control of the Government), is sought after through a series of provisions which aim eventually at raising the standard of MP's, in conjunction with maintaining the authority of the Parliament to a level befitting a delegation of the people (articles 61-63). Thus, the provisions regarding the nonelective (disqualification) status are more adequate than those of the previous Greek Constitutions because a minimum education is now required

specify more negative prerequisites pertaining to the moral and national qualities of the candidates, which hamper their election as MP's (e.g. the nonconviction for certain actions, the acquiring of Greek citizenship by birth, the lapse of a certain time period since their naturalization, etc.).

It is worth mentioning that in cases of nonelective status or incompatibility between the MP capacity and certain activities, competent to judge is no more the Elections Court (on cases of nonelective status) or the Parliament (on incompatibility ones), the judgment of the latter having in the past been inspired by purely political driving forces, but instead the Constitutional Court which is always making its decisions guided by the spirit and the text of the Constitution.

It is expected, too, that the restriction of the number of MP's to a maximum 150 (article 57I), will contribute to the elevation of their standard and dignity. The same will be true of the abolition of all kinds of exemptions and benefits (article 70I), given that the persistent misuse of same had in the past ended up to a public scandal. Likewise, the prohibition of an MP's change of sides during the tenure of a parliamentary period from one political party to another depending on the interests of the moment (article 64II), is similarly expected to contribute in this connection. However, should a similar change take place, it is considered as a resignation, yet it is permissible to make a statement of independence. The limitation of the MP's status of irresponsibility (articles 67, 68) must not only be considered as an aftermath of the abuses of the past, but rather as a positive measure facilitating a dignified, responsible, and most of all, efficient debate regarding public affairs. For it is a fact, beyond any reasonable doubt, that it is not feasible to have neither a calm nor a thorough debate if calumny and slander are used. If such means are applied, the MP's are now held responsible and subject to prosecution without the permission of the Parliament.

(c) The complex of the provisions of the new Constitution referring to the dependence of the Government from the Parliament use as a basis the Parliamentary system of governing, as applied at ours in general lines up till the Constitution of 1952. The Parliament not only supports but it also controls the Government as a total or else members of the Government.

The control is carried out by the Parliament in quorum at least once per week (article 73), through reports, queries, or, in cases of more important matters, interpellations by MP's. The application of such means of control, by itself, creates an obligation for the Government's members concerned to make clarifications, interpretations, or even a rendering of account in this connection. Also, it is possible to request the presence of the competent member of the Government in the Parliament. Interpellations may, further to the obligation of rendering an account, lead to the forming of committees consisted of MP's (article 77III). Operating along the pattern of regular inquest authorities in which case the control as a rule takes the form of a motion for incredulity the attitude of incredulity towards the Government or a member of same, as a result of the submission of an interpellation or the forming of an examining committee, expressed sort of a resolution raising the status of confidence toward the Government or one of its members, entails the obligatory resignation of same (article 93II). Such an outcome constitutes the most serious case of political responsibility of the Government or members of same toward the Parliament and at the same time the last limit of dependence of the former on the latter.

The Parliament supports the Government (article 93I, II), both during its inception, in the sense that the Government has to have the Parliament's confidence prior to practicing legally acceptable authority, as well as during its subsequent life, in the sense that any raise of the confidence status by the delegation of the people toward the Government leads unavoidably to its resignation. However, both cases refer to the prerequisites and the tenure of practicing of authority by the Government. Therefore, it is advisable to discuss the relevant problems, by reason of maintaining a system in this connection, in the chapter regarding the Government itself.

VIII. POLITICAL PARTIES AND STATE STRUCTURE

(a) An essential innovation of the new Constitution is the fact that it anticipates for a significant factor re: The modulation of public opinion which factor so far has been neglected by Greek constitutions. It regards political parties (article 58).

The setup, the program and the activities of the parties, have to be governed by democratic and national principles. The democratic nature is expressed espe-

cially in the way of electing the administrative board and its leader. The national nature is preserved through control and the supervision exercised on them by the constitutional court in conformity with the law, to wit, the legislative authority. The criteria of the constitutional court for the control of the political parties are derived mainly from the Constitution. Thus, such parties as may be of objectives or activities opposing the order of the constitutional law, are outlawed and disbanded. Also, the parties are subject to financial control having to keep book-keeping records, publish annually their statement of accounts, et cetera.

(b) Nevertheless, the parties exercise a significant influence on the State structure both at the Government, and in the Parliament or in the Government and the Parliament as well as through their public activities in general. Having a bitter as well as recent experience of such influence, the constitutional legislator tried through suitable and in their most part radical reforms, to preclude the recurrence of this lamentable past.

One of the evils of the past was the so-called petty political party transaction. This is meant to be tackled through the forming of extra-large electoral areas—about 10 to 15 for the entire country (article 57III)—as well as the introduction of the unified election for the entire state, to wit, the election of a certain percentage of the MP's—fluctuating between one-fifth and one-sixth of the total (article 57IV)—on the basis of a separate nominal roll of candidates for each party. By introducing this institution, it is also pursued to insure the election of select candidates, for example, prominent experts, who possibly don't have or cannot easily attract public choice.

The total number of MP's is limited to 150 (article 57I), while the elections act voted at each time is to be effective as from the elections following after next so as to avoid its continual change on the basis of petty politics interests on the eve of the elections. MP's are elected for a period of 5 consecutive years, while the elections are always conducted by a political government (article 60).

A radical innovation is introduced by the new Constitution by means of the prohibition (article 61V, 88II) according to which (a) MP's are not appointed to Government posts even if they resign from their MP offices: and (b) Government members may submit candidatures for MP election only during the next elections even if redesignated prior to the expiry of the parliamentary term, save for its Premier and Deputy Premiers. Through these innovations, it is pursued to stop ministers from using their rank in order to manage to be elected as MP's, or nurture any ambitions regarding the possibility of becoming ministers, this with regard to MP's, by means of employing, as a rule, unacceptable methods to this end, as well as neglecting their main jobs as legislators. However, at the foundations of the above arrangement, which has been commanded by precise practical reasons, lies the sound theoretical conclusion that the legislator's task is, in its gist, basically different than that of the governing official. Each of these tasks requires a substantially different way of observing things and working, hence, differing qualities are required of the bearers of the said capacities, which makes it quite rare that such qualities might be found adequately combined in one and the same person. This is particularly true especially with regard to the contemporary, vast and multiaspected, state activities. Consequently, there are serious reasons that one should expect that something useful will result from the consistent separation between legislating and governing operations.

Finally, the new Constitution forbids the election of a person to an MP post for more than three consecutive parliamentary periods. This, however, does not affect those who served as parliamentary premiers or party leaders. The purpose of this exclusion, is to be found less in the distrust towards someone who has in the mean time acquired power due to being a veteran MP, but more in the need for a renewal of the party cadres as well as those of the Parliament.

IX. THE GOVERNMENT

Out of the total of the provisions of the new Constitution with regard to the Government, it follows very clearly that the constitutional legislator's intention was to create suitable conditions for an uninterrupted and efficient governing of the country, under Government stability conditions.

(a) The request for a powerful and stable Government in contemporary republics, is directly connected with the rate of development of today's social life and its progressing specialization. Thus, it is necessary to have a strong government, capable of remedying or supporting in a sure and speedy way certain

livelihood relations or conditions, without running the risk of being overthrown. This need emerges for a government in its every aspect of activities.

The Government is, according to the new Constitution, too, an immediate collective instrument of the state, which under the chairmanship of the Premier plans and practices the policy of the state, supervises as to the implementation of the laws and protects in general public interests both within the country and abroad. The new Constitution limits the number of Ministers to only 20, specifies more precisely their competences and corresponding areas of responsibility, those of the Under Secretaries as well as of the Prime Minister, and creates incompatibilities and impediments for Cabinet members similar to those existing for MP's.

(b) To the end of adjusting successfully the state machine to the new conditions that are created as a result of the continual expansion of the state interest, as well as the rapid specialization of the social problems, the new Constitution introduces the institution of the so-called frame laws (article 48III). On the basis of these laws, and always upon the proposal of the competent Minister, it is possible to give solutions to subjects requiring legal treatment by means of royal decrees, this without casting aside the delegation of the people (the Parliament). The aforementioned authorization excludes certain subjects of basic importance and contents (see article 72), the decision on which has to be made by the Parliament at any rate.

Also, in extraordinary cases of terribly urgent and unforeseen necessity, it is anticipated that following a motion by the Cabinet and the conforming opinion of the constitutional court regarding the urgency of the matter, it is possible to issue legislative decrees through the King, without the existence of a previous authorization in this connection (article 48V). Decrees issued in this way have to be submitted, for attestation by means of a relevant law, to the Parliament. Otherwise, on the contrary case, they lose their validity.

(c) Similarly strong, according to the new Constitution, is the position of the Prime Minister (article 89). The latter determines and expresses the general policy of the Government, being capable of imposing same even within the sphere of competence of the individual members of the Cabinet. Also, he proposes the Ministers and Under Secretaries to the King for appointment and is entitled to even cause their dismissal—the overthrown of the Premier dragging along the entire Government—while, in general, he ensures the unity of the Government and directs its activities. The supremacy of the Premier is in full concord with the democratic principles of the form of government. For according to the new Constitution, the Prime Minister as a party leader enjoys the bivalent choice of the people; firstly thanks to his election by the assembly of the party delegates to the post of party leader, secondly thanks to the confidence of the Parliament as well as the votes taken during the last elections. The Premier and the Deputy Premiers, may, as a sole exception to the new Constitution, be simultaneously MP's as well.

(d) The Government must have the credit (article 93) of the Parliament. Therefore, it has to ask for a credit vote within 15 days from the Prime Minister's oath, having alternatively the liberty to do so at any other time. If it does not obtain or if it loses the credit of the Parliament the Government has to offer its resignation at once. The King is entitled to strongly suggest same, such resignation being imperative as per the Constitution, in his capacity as the guardian of the Constitution. Government stability towards the Parliament is safeguarded through the prohibition of a censure motion prior to the lapse of 1 year's time since the rejection of a similar motion by the Parliament or an approval by the latter of a credit motion proposed by the Government.

However, if a motion for censure is signed by half plus one of the total number of MPs and is accompanied by a suggestion for a new Prime Minister, then it is possible to submit same prior to the lapse of a 1-year period. Also, it is possible to reduce the time margin for discussion on a credit or censure motion, in order to relieve the Government of unnecessary trouble.

Through the obligation to earmark a new Prime Minister as well as various other constitutional provisions, a vast horizon for creative work is opened in front of the Parliament, because it is not restricted solely to the negative task of voting against the Government. What is more, the aforementioned suggestion, if made by the absolute majority of the Parliament, will have to create a corresponding obligation for the King to appoint the person thus preferred. This point of view seems to be the one more concordant with the entire system of provisions govern-

ing the relations between Parliament and King, in particular with regard to the strengthened status of the Parliament toward the sovereign as well as the democratic basis of our form of government.

X. JUSTICE

The Constitution's chapter regarding justice, deals with the following topics: Organization, structure, and determination of jurisdiction insofar as the so-called third authority (article 3) is concerned. The task of this authority, to wit of justice, is to dispense justice (article 95, etc.).

(a) It is derived from the total of the provisions re: Justice without any doubt, that the constitutional legislator's intention is to safeguard the independence and impartiality of the judges during the practicing of their duties. Thus, according to the Constitution justice is dispensed by (civil, criminal, and administrative) courts that are formed of regular judges. According to the meaning given by the new Constitution, the constitutional court, which is currently under establishment, is also considered as a normal court. During the performance of their duties, judges are subject solely to the Constitution and the laws. Therefore, they have no relation whatsoever neither with the executive nor with the legislative authority, apart from their obligation to apply the laws which are in conformity with the Constitution. Judges are always permanent employes, i.e. they are secure for as long as the relevant agency exists or else they are life-term judges only (the so-called regular ones), to wit they cannot be dismissed even if the agency to which they serve is rescinded. Competent to handle their official status is the Supreme Legal Council comprising members of the Supreme Court. Judges may be dismissed only by virtue of a court verdict in this connection (e.g. on account of lapse of duty).

In order to ensure that an independent judgment will prevail insofar as judges are concerned, and strengthen the confidence of the citizens toward the administration of justice, the new Constitution initiates a system of guarantees in favor of the citizen, by complementing and elucidating the provisions of the previous Constitution in this point. These guarantees, in view of their primary significance insofar as the shaping of the state of justice professed by the Constitution is concerned and due to the mode of their formulation have such effectiveness as to acquire the shape and the operation of an individual right (article 116 onward). Hence, every citizen is entitled to legal protection by the courts and is capable of expressing his views in front of same with regard to his interests without any impediment. On the other hand, courts are obliged—while citizens are respectively entitled to ask—not to implement unconstitutional legal provisions, whether this unconstitutional quality pertains to their contents or the mode of their shaping. Court sessions have to be public, save for certain exceptions promulgated by the Constitution. Likewise, all verdicts have to be proved in evidence and be announced at a public session of the court, even if the trial on same has been conducted behind closed doors.

(b) An extremely worth mentioning innovation of the new Constitution is the inception of a constitutional court destined to play the role of a guardian of the Constitution on a last degree basis (article 106). Other direct instruments of the state, are also guardians of the implementation of the Constitution within the sphere of their jurisdiction, for example, the King, with regard to the issuing of decrees or laws, in his capacity to examine whether these were prepared in concord with the Constitution, the Parliament, in its capacity to control law motions made by the Government in order to ascertain whether these are constitutional, the courts as already mentioned above and most of all the State Council during the elaboration of regulative decrees, et cetera.

The constitutional court not only performs control on a last degree basis of the concord of laws or legislative decrees to the Constitution, the constitutionality of legal provisions of inferior importance being examined by other instruments, but it also expresses an opinion on the meaning and the extent of the jurisdictions of the supreme instruments of the State (King, Parliament, Government) as these are derived from the Constitution. The constitutional court also substitutes for the formerly existing court of elections; in other words it decides on law infringements concerning elections, on cases of lack of qualifications of the candidates as well as appeals against actions having to do with the preparation or the performance of parliamentary elections. In addition, the constitutional court is called to make a decision on other special cases too, as for instance, the deprivation of individual rights, the banning of certain unions, et cetera, under

conditions ensuing a solution which is as fair, precise, and complete as possible but over and above one meeting the expectations of the public feeling.

The decisions of the constitutional court are irrevocable and are published by the Government Gazette for the information of all concerned. When a provision of a law or a legislative decree is promulgated unconstitutional by the constitutional court, such provisions may be deemed void with retroactive effect even from the time of their issuance. The particular time of validity of same is specified in the verdict of the constitutional court. The validity of the verdicts issued by the constitutional court, as to retroactive effect and rescissory power toward the law, creates a significant relation and similarity factor in this connection. Yet, these should not be construed as an intervention of the judicature to the task of the legislature, but rather as a sheer restoration of the latter to its constitutional jurisdictions, since the legislature is itself subordinate to the Constitution which in a democratic form of government is expressive of the will (constituent power) of the supreme legislator, to wit the people.

Thus, the inception of an instrument which, on account of its post and composition, will be suitable to ferret out and express an opinion on critical matters is being accomplished, such matters regarding, for example, to the relations of the direct instruments between each other, so that any disputes or debates thereof not to cause turmoil and social upheaval.

The members of the constitutional court are nominated by entities of a specifically anticipated category, to wit:

(a) high-ranking juridical personalities or professors of legal faculties on university level or else eminent jurists.

(b) public men that have excelled in politics, economics and science as well as high-ranking public servants. The appointment of the members of the constitutional court is made by virtue of a royal decree, always subsequent to the opinion of the said court sitting in quorum as well as a motion cabinet in this connection (article 98).

XI. STATE ADMINISTRATION

The administration of the state is organized in a decentralization system (article 120). The basis of the system is the division of the space on which state authority is practiced, into more particular areas, depending on the country's geographic, population, and communications conditions.

(a) Insofar as the meaning of the term decentralization is concerned, it is necessary to grant competence to make decisions on certain matters of local interest, to the administrative instruments of the state (in the broad sense of the word) that exist and/or have their seat in the area in question. When this cession reaches the point of participation of the area's population in the performance of local administration (displayed say through a suffrage for the election of the local authorities) then this advanced decentralization acquires the form of self-government. We have to do with a case of administration of an area's own affairs under its own responsibility, what is more through its own instruments (article 121). The state, to wit the central government, is restricted to a sheer supervision of the operation of self-governed areas. The decentralization, as a form of cession of a competence to make decisions, practiced by State, that is central instruments which have their seat in the area, is displayed by means of dividing the country into prefectures, the local self-administration into municipalities, when a larger number of people are concerned, or communities for a smaller number of people. Also, an extended yet, sui generis self-government was granted by virtue of an old-time tradition to the district of the Holy Mountain (article 122).

The population of the municipalities and communities participates in the practice of self-government through the universal and secret suffrage of municipal and community authorities. The activities of the municipalities and communities are limited to promoting the local interests and meeting the needs of their own areas. Any intervention to matters not related to the aforementioned aims, is prohibited. Even more strictly prohibited is any activity whatsoever against constitutional order (article 121 VIII).

(b) The new Constitution, in connection to the principles of administrative structure, arranges, on the basis once again of past experience, yet complying with the necessity for a scientifically sound structure of public administration, the disposition of public services (agencies), as per article 124 and in regard to certain points, and lays the foundations for the protection of their personnel (article 125). Thus, with regard to all public agencies, a rate of proportion

is fixed for high-ranking and higher employee posts in relation to lower ones, a fair selection system is safeguarded, from the point-of-view of acknowledgment, for newcomers to public administration (through tests), while a prohibition is enacted with regard to future hiring of temporary employees. Yet, on the basis of temporary private entity contracts, it is permitted to do so in order to cover extraordinary needs or make use of the knowledge of experts for a more successful implementation of the task of public administration. The status of permanence of public servants, is protected by the new Constitution the same way as in the past. The limit for retirement is the completion of 35 actual years of service and/or the age of 65 for employees of grade 4 upwards, or 62 for employees of lower grades. The expediency of the limits stated above is obvious and has to do with the regular renewal of public agencies manpower. The same chapter also includes measures against multipost as well as multiple remuneration situations with regard to public servants (article 126).

(c) The institution of a "Parliamentary Commissioner" introduced by the new Constitution (article 127), aims mainly at assisting the Parliament for an efficient practicing of Parliamentary control. The Commissioner is elected by the Parliament on a $\frac{2}{3}$ majority of the total number of its members, so as to be a common confidence personality.

XII. THE ARMED FORCES

The following chapter, to wit part 6, of the Constitution deals with the arrangement of matters pertaining to the mission of the armed forces (article 129). Care is taken by virtue of further provisions in this connection, so as to safeguard the normal within service development of their cadres, in such a way as to render any outside interventions and/or influence utterly impossible.

XIII. THE REVISION OF THE CONSTITUTION

(a) Every constitution, being a manmade piece of work, is subject to improvement and partly to alteration with the lapse of time. Notwithstanding this, there are cases where a Constitution, as an act having the highest formal validity, has, at least for a certain time-period, to guarantee and insure the implementation of a number of innovations that were made imperative by the necessity for a successful confrontation of problems of the present time. In such cases, the most effective means is the prohibition for a revision of the Constitution for a certain period of time. Hence, the new Constitution permits its revision only after the lapse of a 10-year period following its implementation (article 137).

(b) Any revision of the Constitution is limited to its nonfundamental, to wit not basic, lines and provisions, the multiaspected and difficult problems arising from the discrimination between fundamental and nonfundamental provisions, such as in the case of the provisions determining the form of government to be that of a Crowned Democracy which are fundamental anyway, being capable of solution, in the last analysis, solely in a political way, that is a universal suffrage recourse, in which case the people is going to declare its opinion in favor of this or another solution.

The Parliament's majority rates as regards the approval of a revision motion, are determined somewhat decreased as compared with the ones anticipated by the previous Constitution. The reason for this decrease is apparently to facilitate the adjustment of public life as per the provisions of the Constitution, to the developments taking place at a fast pace nowadays.

As a last emphasis of the deeply democratic nature of the Constitution, it is worth mentioning that the revision is exclusively the work of the delegation of the people, to wit the Parliament. No other instrument of the State partakes of it, neither to the same nor to a different extent as the Parliament.

PART THREE

CONSTITUTION OF GREECE, 1968

PREAMBLE

We, the Greek people, fully cognizant of our responsibility toward coming generations, strictly adhering to the values of the Greek Christian civilization as

well as to the principles of national sovereignty, democracy, peace and progress, and resolved to:

Secure national and state unity,

Consolidate the system of Crowned Democracy in freedom, equality and justice,

Reform political and parliamentary life,

Safeguard internal peace and security,

Contribute to social progress and prosperity and to serve international peace through justice and liberty as a member of equal standing in the world-wide society of peoples.

do hereby approve by referendum this Constitution.

PART 1

GENERAL PROVISIONS

ARTICLE 1

1. The established religion in Greece is that of the Eastern Orthodox Church of Christ. The exercise of proselytism, as well as any other form of interference against the established religion, is prohibited.

2. The Orthodox Church of Greece, acknowledging as its head our Lord Jesus Christ, is indissolubly united in doctrine with the Great Church of Christ in Constantinople and every other church of the same doctrine; observes steadfastly as they do, the holy apostolic and synodical canons and holy traditions pertaining to dogma and worship. It is autocephalous, exercises its sovereign rights independently of any other church, and is administered by a Holy Synod of Bishops.

3. The ecclesiastical status existing in certain areas of the State is not inconsistent with the provisions of the previous paragraph.

4. The text of the Holy Scriptures shall be unalterable. Its rendering into a different linguistic form, without approval of the Autocephalous Church of Greece and of the Great Church of Christ in Constantinople is absolutely prohibited.

5. A draft law or bill, relating to the organization and administration of the Church of Greece cannot be admitted for Parliamentary deliberation, unless accompanied by an opinion of the Standing Holy Synod, delivered within 20 days from the date such draft law or bill has reached it. Failure of the Standing Holy Synod to act within the above period, does not impede deliberation in Parliament.

ARTICLE 2

1. The form of Government in Greece is that of a Crowned Democracy.

2. All powers emanate from the people, exist for the people and the Nation and are carried into execution in the manner prescribed by the Constitution.

ARTICLE 3

1. The legislative power is exercised by the King and Parliament.

2. The executive power is exercised by the King and the Government.

3. The judicial power is exercised by the courts. Judicial decisions are executed in the name of the King.

ARTICLE 4

1. The national flag of Greece comprises nine horizontal stripes, five of which are blue, alternating with four of white color. On the upper mast corner, a white cross lies within a blue square background which stretches forth three blue and two white stripes downwards from the top.

2. Military flags, as well as the application of the provisions of this article are governed by law.

ARTICLE 5

1. No alteration in the state boundaries can be made except by law.

2. No foreign army is permitted into Greece, nor can it remain or pass through it except by law.

ARTICLE 6

The official language of the State and the schools is that in which the texts of the Constitution and Greek legislation are composed.

ARTICLE 7

1. Greeks are equal before the law.
2. Greek citizens are those who possess the qualifications, as provided by the Laws of the State.
3. Titles of nobility or distinction are neither granted nor acknowledged to Greek citizens.
4. Only Greek citizens are acceptable in all the public services, except for cases introduced by special legislation.
5. Greek citizens shall contribute, without exception, toward meeting public expenditures according to their means.
6. Every Greek able to bear arms is obliged to assist in the defense of the Country as provided for by the law.

PART 2—THE STATE AND THE INDIVIDUAL

CHAPTER A—INDIVIDUAL RIGHTS

ARTICLE 8

Every person within the territorial boundaries of the Greek State shall enjoy full protection for his life, honor and freedom, irrespective of nationality, creed or language. Exceptions are permitted in such cases as provided for by international law.

ARTICLE 9

1. Every person has the right to the free development of his personality provided he does not infringe on the rights of others and does not violate the Constitution and the moral code.
2. Personal liberty is inviolable. No one is prosecuted, arrested, imprisoned or otherwise restricted, except whenever and in whatever way the law rules.

ARTICLE 10

1. With the exception of persons caught in the act of committing an offense, no one shall be arrested or imprisoned without a judicial warrant stating the reasons, which must be served at the time of arrest or remand in custody pending trial.

2. The person caught in the act or held on a warrant of arrest, is brought before the competent examining magistrate not later than 24 hours from the time of the arrest, and if the arrest is made beyond the seat of the examining magistrate, then within the time absolutely necessary for his conveyance before said magistrate. Within 3 days of the time of presentation, the examining magistrate is obliged to either release the person arrested or issue a warrant for his imprisonment. This delay can be extended by 2 more days at the request of the person arrested in the event of force majeure which must be attested forthwith by a decision of the competent judicial council.

3. Should both the aforementioned delays expire without any action, every jailer or other officer, whether civil or military, in charge of the arrested person, must release him forthwith. The violator of the above provisions, shall be punished for illegal confinement and shall be obliged to make good all damages sustained by the injured party and, in addition, to give satisfaction to said party by such a sum of money as provided by law.

4. The maximum term of custody pending trial provided by law cannot exceed 1 year for criminal charges and/or 6 months for misdemeanor charges. In completely exceptional cases these maximum time limits can be further extended by 6 and 3 months respectively, by virtue of a decision of the competent judicial council.

5. The law defines the conditions under which, through judicial decision, the State indemnifies those unjustly imprisoned or convicted.

ARTICLE 11

1. No crime shall exist nor shall any sentence be imposed unless provided for in a law existing prior to the commission of the act. A heavier sentence than that provided for at the time the act is committed, shall never be imposed.

2. Tortures and general confiscation are prohibited. Permanent and/or total suspension of civil rights shall not be imposed. Capital punishment for political crimes, except compound, shall not be imposed.

ARTICLE 12

No one shall be removed without his consent from the jurisdiction of the judge assigned to him by law. The establishment of judicial committees or extraordinary courts under any name is prohibited.

ARTICLE 13

1. The home of each person is inviolable. No house search can take place except at a time and manner provided by law.

2. The violators of the above provision shall be punished for violation of the sanctity of the home and shall be obliged to fully indemnify the injured party and to give him further satisfaction through the payment of a monetary sum, as provided by law.

ARTICLE 14

1. Everyone may express orally, in writing, in print or in any other way his thoughts, with due adherence to the laws of the state.

2. The press is free and discharges a public function involving rights and duties, as well as responsibility for the accuracy of its contents.

3. Censorship and every other preventive measure is prohibited.

4. Seizure of printed matter, either before or after publication is prohibited. Exceptionally, seizure after circulation is permitted under orders from the public prosecutor: (a) because of insult to the Christian and/or any other known religion; (b) because of insult to the person of the King, the Crown Prince, their wives and children; (c) because of a publication which (i) discloses information on the organization, composition, armament, and deployment of the armed forces, or on the fortifications of the country, (ii) is patently rebellious, or aims at overthrowing the regime, or the existing social system or is directed against the territorial integrity of the state or creates defeatism, or provokes or instigates the commission of a crime of high treason, (iii) intends to project or diffuse for political exploitation, views of outlawed parties or organizations, and (d) because of indecent publications manifestly offending public decency in cases provided for by law.

5. In all cases of the previous paragraph the public prosecutor must, within 24 hours from seizure, submit the case to the judicial council, the latter having within another 24 hours, to decide whether the seizure will be maintained or lifted: otherwise the seizure is lifted ipso jure. The public prosecutor and the publisher of the seized item may appeal against the decision of the council.

6. Press offenses are deemed offenses whose author is taken in the act, and are subject to legal proceedings without preliminary investigation as provided by the law. Violation of this provision by the competent public prosecutor constitutes a serious disciplinary offense.

7. After a second conviction within 5 years for any press offense whatsoever as provided for by §§ 4 and 9 of this article, the court shall order the permanent or temporary suspension of the publication of the printed matter involved and, in serious cases, the prohibition of the practicing of the journalist profession by the person convicted as provided by law. Such suspension or prohibition shall commence from the time the court order becomes final.

8. The title of a suspended publication cannot be used by anyone, so long as such suspension is still effective.

9. The publisher of the printed matter and the writer of a slanderous publication involving one's private or family life, aside from the penalties, provided for in criminal statutes, shall be subject to a civil and joint liability to fully compensate any damage caused thereby, and give monetary satisfaction to the victim as provided by law.

10. The law shall determine the manner in which refutable publications shall be fully rectified in print.

11. The prerequisites for the issuing of newspapers or other political publications, the conditions and ethical rules of practicing the profession of journalism, and the rules for operation of newspaper enterprises shall be determined by law.

12. The law establishes compulsory financial control of newspaper enterprises. The outcome of such control shall be published.

13. Special restrictive measures may be adopted by law to protect youth from literature dangerous to morals.

14. The provisions on the protection of the press contained in the present article shall not be applicable to motion pictures, public shows, phonograph records, radio and television broadcasts, as well as any other similar means of conveying speech or image.

ARTICLE 15

The privacy of letters and of all other means of correspondence is inviolable. Law designates the guarantees under which judicial authority, for reasons of national security and public order or for the ascertaining of abject crimes, is not bound by the inviolability of letters and correspondence.

ARTICLE 16

1. The freedom of religious conscience is inviolable.
2. Every known religion is free and the forms of worship thereof shall be practiced without hindrance, under the protection of the laws.
3. The functionaries of all known religions are subject to the same supervision by the state, reserved to the functionaries of the established religion.
4. The exercise of religious duties shall be free but cannot be offensive for public order, sound morals or national symbols.
5. No one shall, by reason of his religious convictions, be exempted from discharging his duties to the state or refuse to comply with the laws of the country.
6. No oath shall be administered except by law determining also the form thereof.

ARTICLE 17

1. Education shall be under the supreme supervision of the state, shall be offered at its expense, and shall aim at the ethical and intellectual training, as well as the development of the patriotic conscience of the youth based on the principles of the Greek and Christian civilization.

2. The establishment of general directives of national policy on education is being made as prescribed by law, after consultation with the National Council on Education.

3. Elementary education shall be compulsory for all. The law fixes the years of compulsory instruction which cannot be less than 6.

4. The high-level educational institutions are self-administered legal entities of public law and operate under the supervision and financial support of the state. Their teaching staff are civil servants. The faculties of these institutions are elected by their regular professors. State supervision over such educational institutions is exercised by the Minister of National Education and Religion through a Government commissioner as the law provides.

5. Subject to permission by the authorities, private citizens whose civil rights have not been revoked as well as legal entities may establish schools operating according to the Constitution and the laws of the state. Those establishing private schools and those teaching in them, are obliged to have the same moral and other qualifications as those required of public servants and prescribed by law.

ARTICLE 18

1. Greeks have the right to assemble peacefully and unarmed as provided by law.

2. The police may be present only at public gatherings. Public gatherings must be duly notified to the police authorities 48 hours prior to their being held. Open air gatherings may be prohibited if they endanger public order and security.

ARTICLE 19

1. Greeks have the right to form associations with due adherence to the laws of the state, which, however, shall under no circumstances subject this right to prior permission by the Government.

2. Every union of persons, the purpose or the activity of which, are directed against the territorial integrity of the state, or the regime or the social order or the security of the state or the political or civil liberties of the citizens shall be banned. It is disbanded by court decree.

3. Cooperatives are disbanded, because of violation of law or their statutes, by court decree. By decree issued by the chief judge of the district court the operation of a cooperative or union may be suspended temporarily, if at the same time proceedings for its permanent dissolution are initiated.

4. The right of association of civil servants may be subject to certain restrictions imposed by law. The same restrictions on the right of association may be imposed on employees of local government bodies, or other legal entities of public law, public enterprises, and public utilities.

5. Resort to strike for the purpose of achieving political or other ends irrelevant to material or moral interests of the workers shall be prohibited.

6. Strikes of any form by civil service personnel of any kind, personnel of local government bodies or of other legal entities of public law, shall be prohibited. The participation of such personnel in a strike is considered in itself as a submission of resignation.

ARTICLE 20

1. Any person or coacting person, observing the law of the state, have the right to submit petitions in writing to the authorities, which are obliged, in accordance with the law, to act promptly and give a written and reasoned reply to the petitioner.

2. Prosecution of the petitioner for violations existing in the petition is permitted only after the final decision under permission from the authority which received the application.

ARTICLE 21

1. Property is under the protection of the state.

2. No one shall be deprived of his property, except for duly proven public weal expediency when and as the law provides, at all times after full compensation. The compensation must correspond to the value of the expropriated property at the time of publication of the expropriation act as the law specifically provides. An eventual change of the value of expropriated property occurring after the expropriation has been announced what is more due to it, is not taken into consideration.

3. The amount of compensation shall always be fixed by the civil courts. Compensation may also be provisionally fixed by the court, after a hearing or summons of the beneficiary who may be obliged, in the judgment of the court to offer a reasonable guarantee for its collection, as provided by law. Before payment of provisional or final compensation; the owner retains his rights and occupation of the expropriated property shall not be permitted. The designated compensation must at the latest be deposited within one-and-a-half years after the judicial decision is issued, otherwise the expropriation is lifted ipso jure.

4. In cases of expropriation for the purpose of urbanization and town planning, especially in the large urban centres, the law may provide that in lieu of a monetary compensation, the owner will be granted a realty-located which the area under expropriation of a value equal to that accounted for expropriation. If the value of the real property being offered in exchange is disputed, the courts shall decide on it and may adjudge a supplementary monetary compensation. The transfer of title of the ceded property is effected by registering the court decree ordering the expropriation. The provisions of paragraphs 2 and 3 of the present article have analogous application as to the rest.

5. Special laws regulate matters pertaining to ownership and disposition of mines, quarries, caverns, archaeological treasures, mineral, running and subterranean waters.

6. Matters pertaining to the ownership, exploitation and administration of sea shoals and large lakes are regulated by law.

7. Special laws regulate matters pertaining to requisitions for the needs of the armed forces in the event of war or mobilization or toward resolving an urgent social need which could endanger public order and health.

8. Any other enjoyment of the free use and enjoyment of property beyond the cases referred to in the previous paragraph, may be imposed by law. The law shall determine the debtor and the procedure whereby the beneficiary of the compensation for the deprivation of use and enjoyment of the property shall be compensated. The aforementioned deprivation is immediately voided when the reasons calling for it are eliminated. In the event the deprivation is not removed, the constitutional court shall decide upon petition by any person having a vested legal right.

9. A law may permit the expropriation by zones in favor of the state for the purpose of executing public works or projects of public benefit. The same law shall determine the prerequisites and the conditions, for such an expropriation, as well as matters relating to the disposal by the State of expropriated land over and above those necessary for the project under execution.

10. The redistribution of agricultural tracts, for a more profitable exploitation of the land is permitted in accordance with the procedure determined by special law.

11. The agricultural properties of the Stavropigiakon Holy Monasteries of Saint Anastasia Farmakolitrías in Chalkidiki, of Vlatadon in Thessaloniki and of the Evangelist, John the Theologist in Patmos, excepting those of Metochion, are not subject to expropriation.

ARTICLE 22

1. The alteration of the contents or the conditions of a hereditament, codicil or donation, insofar as its provisions in favor of the State or for public weal purposes are concerned, is prohibited.

2. When it has been judicially established that the will of the legator or donor cannot be carried out to its full extent, the application of the donation or bequest for a more beneficial use identical or similar to the one envisaged, may be permitted by way of exception, as the law provides.

ARTICLE 23

1. Legislative decree No. 2687 of the year 1953, issued in application of article 112 of the Constitution of January 1, 1952, "Concerning investment and protection of foreign capital", as authentically interpreted by legislative decree No. 2928 of the year 1954 and paragraph 3 of article 5 of legislative decree No. 4256 of the year 1962, maintains its prior formal force. Subsequent law to be issued only once and for all may amend the above legislative decree to confer additional protection to the foreign capital involved.

2. Emergency Law No. 465 of the year 1968 on "amendment and completion of some provisions of Law 1880/1951 on ship taxation" expanding the protection of Greek merchant marine beyond the one afforded by art. 13 of legislative decree 2687/1953 "Concerning investment and protection of foreign capital" cannot be amended. Subsequent law to be issued only once and for all may amend it only to confer additional protection.

3. Emergency Law 89 of the year 1967 "Concerning establishment in Greece of foreign commercial and industrial companies" and emergency law 378 of the year 1968 supplementing the above, cannot be amended. Subsequent law to be issued only once and for all, may amend them only to confer additional protection.

ARTICLE 24

1. The discharge of civil rights and liberties shall be vested in everyone within limits securing the enjoyment of the same rights and liberties by other citizens and protecting the interests of the society as a whole.

2. Whoever abuses the inviolability of a home, the freedom of expression, especially in print, the secrecy of the means of correspondence, the freedom of assembly, the freedom of forming associations or cooperatives, and the right of property, for the purpose of struggling against the prevailing political system, the civil liberties, or of endangering the national independence, and territorial integrity of the state, shall be deprived of these rights or of all rights safeguarded under the Constitution. The determination of the abuse, the deprivation of individual rights and the extent thereof shall be pronounced by the constitutional court as provided by law.

ARTICLE 25

1. In case of war, mobilization due to external dangers or serious disturbance or manifest threat for public order and security of the State from internal perils the King on the recommendation of the Cabinet may by royal decree suspend throughout the country or in part thereof the operation of articles 10, 12, 13, 14, 15, 18, 19, 111, and 112 of the Constitution or some of them, and put into effect the then applicable law on "State of Siege" and to establish extraordinary tribunals. This law may not be modified while in operation.

2. The royal decree referred to in the above paragraph, and the measures taken by virtue thereof, are communicated to the Parliament at its first meeting after its publication. In the event of a serious disturbance or patent threat for public order and security of the state from internal perils, the royal decree is placed before the Council of the nation within 24 hours after its issuance. If the Council of the nation does not agree with the issuance of the royal decree, Parliament is obligatorily assembled even if it has been dissolved, within 20 days of its pub-

lication, in order to decide whether to maintain or annul the decree's effect by absolute majority vote of its entire membership in this last instance.

3. The effect of the above royal decree shall not, in the case of war, extend beyond the end thereof, and in all other cases its effect shall be terminated ipso facto 3 months from the date of its publication, unless it has been extended in the meantime by another royal decree with the permission of the Parliament.

CHAPTER B—SOCIAL AND ECONOMIC RIGHTS AND DUTIES

ARTICLE 26

1. Marriage and the family are under the protection of the state.

2. The parents have the right and duty to raise and educate their children. The state takes measures for the moral, intellectual and patriotic education of minors.

3. Families with many children, war invalids, as well as widows and orphans of those killed in action, shall enjoy the special care of the state.

ARTICLE 27

1. The state cares for the securing of employment; determines general conditions thereof and aims at the improvement of the financial status and moral uplifting of the workers.

2. Special laws shall regulate matters pertaining to requisitioning of personal services in case of war or mobilization or for cure of an urgent social need.

3. The state cares for the health and the social security of the population, as well as the acquisition of a home by those lacking one.

ARTICLE 28

The state cares for the creation of prerequisites and incentives for the development of the economy on a national as well as regional scale to the end of making feasible a steady improvement of the living conditions of the people.

ARTICLE 29

1. Agrarian and urban cooperatives are under the protection of the state which looks to their development.

2. The creation of a compulsory cooperative in conformity with the law, is not, contrary to the Constitution.

PART 3—THE ORGANIZATION OF THE STATE

SECTION 1—THE KING

CHAPTER A—GENERAL PROVISIONS

ARTICLE 30

1. The King is the supreme authority of the state, the symbol of the unity of the Nation.

2. The King prior to his ascend to the throne gives, in the presence of the Ministers, the Holy Synod, the Deputies present in the capital as well as the supreme authorities, the following oath :

"I do solemnly swear in the name of the Holy and Homoioussian and Indivisible Trinity that I will protect the prevailing religion of the Greeks, guard the Constitution and the Laws and preserve and defend the national independence and integrity of the Greek State."

3. The King shall convene the Parliament within 3 months and shall repeat the oath before the Deputies.

ARTICLE 31

1. The King and Crown Prince shall have attained to age on completing their 21st year.

2. The King and Crown Prince must profess the faith of the Eastern Orthodox Church of Christ.

3. The King and the Government look to it that the Crown Prince, receives an education suitable to the high office for which he is destined.

ARTICLE 32

The Crown of Greece and that of any other state whatsoever can never be united upon the same head.

ARTICLE 33

1. The person of the King is nonresponsible and inviolable.
2. The King or a member of the royal family may assume the honorary presidency of organizations or public weal foundations, being however excluded from direct or indirect involvement in administration thereof. Organizations or public weal foundations which are under the honorary presidency of the King or a member of the royal family, are subject to State control.

ARTICLE 34

1. The appanage of the King and that of the Crown Prince are provided for by law.
2. With the exception of the King and the Crown Prince, no other member of the royal family is entitled to any appanage out of the public treasury.

CHAPTER B—SUCCESSION TO THE THRONE AND REGENCY

ARTICLE 35

The Greek Crown and its constitutional rights are hereditary and pass to the legitimate and lawful direct linear descendants of the then reigning King, in the order of primogeniture, preference being given to males. In the lack of such heirs, same are passed to the descendants of King George the First in the same order.

ARTICLE 36

Should there be no successor to the throne in accordance with article 35, the King appoints such with the consent of the Parliament, convened for the purpose, and by a vote of two-thirds of the total number of Deputies taken by open ballot.

ARTICLE 37

1. In the event of vacancy of the throne, the royal authority is temporarily exercised by a three-member Regency, composed of the Speaker of Parliament, the president of the constitutional court and the president of the Council of State.
2. Within 2 months, at the latest from the date such vacancy of the throne has happened, representatives, equal in number to the Deputies, are elected by those citizens having the right to vote as the law provides. These representatives convening together with the Parliament, elect the King by a majority of two-thirds of the total number taken by open ballot.
3. The law shall regulate matters pertaining to the Regency.

ARTICLE 38

1. In the event of death or abdication of the King, if the adult Crown Prince is absent, the royal authority shall be exercised by the Cabinet until his arrival and oath.
2. In the event of death or abdication of the King, if the Crown Prince is a minor, the exercising of the royal authority is entrusted to the three-member Regency provided for in article 37.

ARTICLE 39

1. In the event of death of the King, if the Crown Prince is a minor, and guardian appointed in the deceased King's will is called to assume the guardianship, while Parliament, convening even if its term is completed or it has been dissolved, elects a coguardian by absolute majority vote of its entire membership, voted in open ballot. A guardian is elected by Parliament only in the event that one has not been appointed by the will of the deceased King.
2. The guardian and coguardian must be Greek citizens of the Eastern Orthodox Faith.

ARTICLE 40

In the event the King is absent abroad, the royal authority shall be entrusted to the adult Crown Prince by royal decree issued on recommendation of the Council of Ministers. In case of lack of a Crown Prince, or due to minority or absence likewise abroad, royal authority shall be entrusted to the president of the three-member Regency, provided for in article 37.

ARTICLE 41

1. If the King determines that due to illness the discharge of his duties is impeded, he shall appoint the Crown Prince as Regent by royal decree issued on recommendation of the Council of Ministers. In the lack of, minority or absence of the Crown Prince outside the State, the King by virtue of royal decree shall on recommendation of the Council of Ministers, appoint a representative of the throne, revocable without restriction, this to be a Greek citizen of the Eastern Orthodox Faith who shall discharge the royal authority in his name. By the same royal decree the jurisdictions of the representative shall be defined.

2. If the King is not in a condition to discharge his duties, the Government shall convene the Parliament even though its term may have expired or it may have been dissolved. Should Parliament recognize the need for Regency by an absolute majority vote of the total number of its members or if not attaining it, by an absolute majority vote of those members present who must not be less than two-fifths of the total number of deputies, in a second ballot taken within 3 days, the Crown Prince shall discharge royal authority. In lack of, minority or absence of the Crown Prince from the State, the royal authority shall be exercised by the three-member Regency provided for in article 37.

CHAPTER C—THE POWERS OF THE KING

ARTICLE 42

No act whatsoever of the King shall be valid nor it shall be executed, unless it is countersigned by the competent Minister, who by his signature alone is made responsible.

ARTICLE 43

1. The King shall appoint the Prime Minister and on his recommendation shall appoint and dismiss the members of the Government. The Government must enjoy the confidence of the Parliament. The King shall dismiss the Government after hearing the opinion of the Council of the Nation.

2. After general elections, the King shall appoint the leader of the party having the absolute majority in Parliament, as Prime Minister. If this party shall have no leader, the appointment of the Prime Minister shall take place after the parliamentary members of the party elect its leader.

3. In the event no party wins the absolute majority in Parliament, after general elections, Parliament after electing its Presidium proposes a Prime Minister, by absolute majority vote of all members of Parliament and the King appoints him. If during this sole ballot, no one has absolute majority, the King shall then appoint the Prime Minister after first having obtained the opinion of the Council of the Nation.

4. In every other case except that provided in article 93.3 the King shall appoint the Prime Minister after having obtained the opinion of the Council of the Nation.

5. In the event of change of the entire Government, the royal decree ordering its dismissal or approving its resignation and appointment of the new Government, shall be countersigned by the new Prime Minister after he is sworn in.

ARTICLE 44

The King shall convene Parliament to regular session once a year, and to special sessions whenever he shall deem it advisable, proclaiming personally or through the Prime Minister the opening and closing of each parliamentary session.

ARTICLE 45

1. The King shall have the power to adjourn the works of the parliamentary session only once, by either postponing the opening or interrupting their continuation.

2. The adjournment of the work may not last more than 30 days and cannot be repeated during the same parliamentary session without the consent of Parliament.

ARTICLE 46

1. The King may dissolve Parliament after having heard the opinion of the Council of the Nation, yet, the royal decree dissolving Parliament, countersigned by the Council of Ministers, must direct the assembling of the electors within 35 days and of the new Parliament within 45 days from the day of the elections.

ARTICLE 47

1. The King shall ratify, issue and publish the laws voted by Parliament.
2. A proposal or bill voted on by Parliament, but not signed, issued and published within a month by the King is again submitted to the plenum of Parliament, and if Parliament passes it again by absolute majority of all its members, the King shall ratify, issue, and publish it as law within a month.

ARTICLE 48

1. The King shall issue the necessary decrees for the execution of the laws, but he may never suspend their application or exempt anyone from the execution thereof.

2. The issuance of royal regulatory decrees, is permitted on the basis of authorization granted by law within the limits thereof, on proposal of the competent minister.

3. Laws voted by Parliament in a plenary session may grant authorization to issue royal decrees of legislative nature. These laws shall give the general legislative directions and shall have a time limit within which such authority will be exercised.

4. Matters within the jurisdiction of the plenum of the Parliament according to article 72 shall not be subject to delegation provided for in the previous paragraph.

5. On special occasions of extraordinarily urgent and unforeseeable necessity, the King, on recommendation of the Cabinet and after the conforming opinion of the constitutional court as to urgency, is entitled to issue legislative decrees. These must be submitted to the Parliament for validation within 20 days of their publication or within 20 days after it has been convened. If they are not submitted to the Parliament within the aforementioned time limits or they are not approved by it within 3 months from the time of their submission, they shall henceforth lose their effect.

ARTICLE 49

The King shall lead the armed forces. He shall confer military ranks according to the law, to servicemen. The command of the armed forces shall be exercised by the Government as provided for in article 129 § 2.

ARTICLE 50

The King shall appoint and dismiss civil servants according to law, with certain exceptions as provided thereof.

ARTICLE 51

The King shall award the established decorations in accordance with the provisions of the pertinent law.

ARTICLE 52

1. The King shall have the right, on recommendation of the Minister of Justice, and with the advice of a council composed in majority of judges, to pardon, commute or reduce sentences pronounced by the courts.

2. The King shall have the right, only by consent of Parliament, to grant pardon to a Minister convicted in accordance with article 94.

3. Amnesty shall be granted only in the case of political crimes by royal decree issued at the proposal of the Council of Ministers.

4. Amnesty of common crimes shall not be granted even through law.

ARTICLE 53

1. The King shall represent the nation internationally and he shall declare war on proposal of the Cabinet. He shall conclude international treaties or conventions except those concluded by other officials to which the necessary authority has been conferred by law.

2. Peace treaties and agreements of alliance shall be communicated to Parliament, when the security and the interest of the country so permit.

3. Treaties or trade and other agreements embodying concessions which, according to the provisions of the Constitution, require a law or which impose burdens to Greeks individually, shall have no power without statutory law enactment.

4. Secret articles of a treaty can never reverse the nonsecret articles.

5. In order to serve world peace and promote cooperation with other states, the acknowledging of powers to instruments of international organizations, is, according to the Constitution, possible through a treaty or agreement. For the voting of the law ratifying the treaty or agreement, the presence of four-fifths of the members of Parliament is required as well as a majority of three-fourths of those partaking in the vote.

ARTICLE 54

1. The King, in specially provided instances under the Constitution, shall convene the Council of the Nation under his chairmanship. The King shall convene it also on other instances on proposal of the Cabinet.

2. The Council of the nation shall comprise the Prime Minister, the Speaker of the Parliament, the leaders of the two largest parties in Parliament, provided either of them is not the Prime Minister, the President of the constitutional court and the chief of the armed forces.

ARTICLE 55

The King shall have no other powers except those explicitly vested in him by the Constitution.

SECTION 2—THE PARLIAMENT

CHAPTER A—ELECTION AND CONSTITUTION OF THE PARLIAMENT

ARTICLE 56

1. The Parliament is composed of Deputies, elected in accordance with the law through direct, universal and secret suffrage by those citizens who have attained to their 21st year of age and have the right to vote.

2. Those irrevocably convicted to any penalty whatsoever for acts or activities directed against the existing political or social system shall be denied the right to vote.

3. The parliamentary elections shall be carried out simultaneously throughout the country.

4. The discharge of the right to vote shall be mandatory.

ARTICLE 57

1. The number of Deputies for each electoral district is designated by virtue of a royal decree, in proportion to its legal population, as determined in the last census; however, the total number of Deputies shall never exceed 150.

2. The electoral system and the electoral districts shall be determined by law voted upon in a plenary session of the Parliament, and applicable, to the elections following the next pending ones.

3. The number of electoral districts may not be less than 10 or more than 15, while the formation of each one of them on the basis of legal population, must be such as to elect a minimum of at least five Deputies.

4. The election of a portion of Parliament, not less than one-sixth and not more than one-fifth of the total number of Deputies, shall be carried out uniformly throughout the country, on the basis of the electoral strength of each party. The nomination of these Deputies shall be made as specifically provided by law on the basis of a separate list of candidates from each party and in proportion to the number of preference votes which each one received. These lists shall be

deposited with the constitutional court and published at least 15 days before the elections. The candidates appearing on the list may not also stand as candidates in the electoral districts.

5. The number of Deputies elected in the electoral districts shall be determined by subtracting from the total number of Deputies those elected in accordance with the previous paragraphs.

6. A party or coalition of parties which has not accumulated a certain percentage of the total valid ballots shall not be entitled to representation in Parliament. This percentage fixed by law can not be higher than one-sixth and or lower than one-tenth for parties, and not higher than one-third and lower than one-fourth for coalitions of parties.

ARTICLE 58

1. Greek citizens having the right to vote, may freely establish political parties and participate in them. The political parties through their activity shall express the will of the people and must contribute to the advancement of the national interest.

2. The organization, the program and the activity of the parties must be governed by national and democratic principles. Their leaders and administrative committee must be elected by representative conventions of their members. The charter of every party must be approved by the constitutional court, which checks as to the conformity of its provisions in relation to the Constitution. No party shall have the right to participate in elections if its charter has not had the aforementioned approval.

3. The parties shall be required to maintain records of revenue and expenses, as well as control records thereof. In these ledgers every type of contribution must be listed by name. During the month of February of each year the parties shall be required to issue their financial statement of the previous year.

4. The general functioning of the parties, as more specifically provided by law shall be subject to the continuous supervision of the Constitutional Court, which shall have the right to dissolve any party whatsoever for violation of the Constitution or the laws.

5. Parties whose aims or activities are manifestly or tacitly opposed to the form of government or tend to overthrow the existing social system or endanger the territorial integrity of the state or public security, shall be outlawed and dissolved by decision of the Constitutional Court, as provided by law.

6. The Deputies of the party being dissolved shall be declared deposed of their office, and the seats held by them in Parliament shall remain vacant until the termination of the parliamentary period.

7. The application of the provisions of this article are regulated by law.

ARTICLE 59

The Deputies shall represent the nation.

ARTICLE 60

1. The Deputies shall be elected for 5 consecutive years commencing from the day of the general elections. Upon expiry of the parliamentary period a royal decree countersigned by the Cabinet shall direct the holding of general parliamentary elections within 35 days. The new Parliament shall convene in regular session within 45 days from the time the elections were held.

2. The Parliamentary elections shall be carried out in any case by a political (not caretaker) government.

3. A Parliamentary seat vacated during the last year of the period, shall not be filled through a supplementary election, as provided by law, when the number of the vacant seats does not exceed one-fifth of the total number of Deputies.

4. In the event of war, the parliamentary period is extended throughout it. If Parliament has dissolved, the carrying out of elections is postponed until the end of the war.

ARTICLE 61

1. In order for one to be eligible for Deputy, he must be a Greek citizen, must have attained to the age of 25 years on the day of election, and when eligible to vote in accordance with the law, must be enrolled in an electoral list, and must be bearer of at least a high school, general, or vocational education diploma.

2. No one can be proclaimed a candidate, or elected Deputy, if :

(a) He does not possess Greek nationality by birth, except in case of territorial annexation ;

(b) He is a naturalized Greek male citizen as well as a female who acquired Greek citizenship through marriage before 10 years have elapsed from the time of naturalization or marriage ;

(c) He has not fulfilled his military obligations or has not been legally exempted thereof ;

(d) Through an irrevocable sentence, he has been deprived of his political rights, for a time period twice as long as that prescribed in the court decision depriving him of his political rights, even though he may have been pardoned with lifting of the consequences ;

(e) He has been irrevocably convicted for treason, premeditated murder, espionage, robbery, theft, bribery, desertion, counterfeiting, forgery, perfidy, fraud, extortion, crimes against morals, slanderous defamation, or traffic of narcotics, to a life term except if reinstated ;

(f) He has been irrevocably convicted to a life term for active participation in a party, organization, association or union, aiming at the propagation and application of ideas tending to overthrow the existing political or social system or the detachment of part of the state territory.

3. A Deputy deprived of one of the above qualifications, or falling under one of the cases of § 2, forfeits eo ipso his parliamentary office. Should doubts arise, the constitutional court shall decide.

4. No one may be elected Deputy for four continuous parliamentary periods. Exception is made for those who served as parliamentary Prime Ministers, or leaders of parties acknowledged according to the Constitution and the Rules of Parliament.

5. A member of the Government, with the exception of the Prime Minister and Deputy Prime Ministers of the Government, may not submit candidacy for the immediately forthcoming elections even though he had resigned before the termination of the period.

ARTICLE 62

1. Salaried civil servants, regular officers of the armed forces, the security forces, the Port Officers Corps, the fire department, mayors and presidents of communities, notaries public, registrars of mortgages and property transfers, employees of local government bodies or other public entities or employees of public or municipal enterprises, directors and presidents of administrative councils of all the above, cannot be nominated as candidates nor elected Deputies unless they resign their positions prior to being nominated candidates.

2. The resignation will be submitted in writing. The return of such resignees to the position from which they resigned shall be forbidden.

3. Military personnel, civil servants or in general those who have assumed the obligation to remain in the service for a fixed period of time, shall not be permitted to be nominated as candidates or elected as Deputies during the period of such obligation.

ARTICLE 63

1. The duties of the Deputy shall be incompatible with the duties of a director or other representative, administrative or paid legal counsel and employee of commercial companies or enterprises enjoying special privileges or regular State subsidy based on special legislation.

2. Those falling under any of the above categories must state their choice between the Deputy position and the above tasks within 8 days after their election has been made final. In the event they fail to submit their statement within the specified time limit they automatically forfeit the office of Deputy.

3. The law may determine the incompatibility between the Deputy's position and other positions.

4. Deputies accepting activities or duties referred to herein or in the previous article, as well as duties or activities defined by law as incompatible to the position of Deputy, shall forfeit eo ipso their rights to it.

5. Lawyers who have been elected Deputies cannot practice law except before the constitutional court, the state Council, and supreme court.

6. Deputies cannot rent farmland belonging to the State, or undertake State procurements or same for local government bodies or other public entities or

public or municipal enterprises, or act as contractors for the execution of municipal, or local public works or rent public or municipal taxes, or accept concessions on public property. Any violation of the above regulations will cause forfeiture of the Deputy's position and cancellation of the contract. Such contracts shall also be void when consummated by commercial companies or enterprises in which a Deputy is director, legal or administrative counselor, or a member of a limited liability or a general partner in a partnership.

7. The constitutional court, as prescribed by law, shall decide on questions relating to restriction, incompatibilities and forfeiture of the position of Deputy.

ARTICLE 64

1. It is the prerogative of the Deputy to resign his parliamentary post, same being effected as soon as the required written statement is submitted to the Speaker of the Parliament this being an irrevocable act.

2. The renegation of a Deputy to another party during the parliamentary period shall be prohibited and shall be considered as a resignation. A statement of party independence shall be permitted.

ARTICLE 65

The control of the validity of parliamentary elections shall be assigned to the Constitutional Court.

ARTICLE 66

1. The Deputies before undertaking their duties shall take in the Parliament and in a public session the following oath: "I do solemnly swear in the name of the Holy, Homogenous and Indivisible Trinity to observe loyalty to the Country and to the Constitutional King, to obey the Constitution and the laws and to conscientiously carry out my duties."

2. Deputies of other religions shall take the above oath in accordance with the ritual of their own religion.

ARTICLE 67

1. No Deputy may be prosecuted or questioned in any manner, because of an opinion or vote rendered by him during the performance of his duties as a member of the Parliament.

2. By way of exception a Deputy shall be responsible and shall be prosecuted according to the law for insulting and defaming, slanderously or not, a person or an authority. In these cases, no permission of Parliament shall be required for his prosecution.

3. Whosoever publishes, or in any way discloses the contents of reports queries or interpellations deposited in Parliament, prior to a discussion before it, or the furnishing of a written reply thereon shall be liable for similar violations, to those charged to the Deputy who has deposited them.

ARTICLE 68

1. No Deputy may be prosecuted, arrested, or imprisoned during the parliamentary session without the permission of the body. The permission shall be considered granted, if the Parliament does not respond within 45 days from the time the public prosecutor's application was forwarded to the Speaker of the Parliament. Permission is not required for "in the act" crimes, as well as for insult and ordinary or slanderous defamation.

ARTICLE 69

1. The Parliament by means of Rules voted according to article 80, paragraph 1 and published in the Government Gazette per the instructions of its Speaker shall define the manner in which it shall carry out its duties, as well as all matters concerning its personnel.

2. The Constitutional Court examines the constitutionality of the provisions of Parliamentary Rules upon the petition of a Deputy.

3. Parliament shall elect the Speaker and other members of the Presidium from its members as provided by the Rules.

4. The Speaker and the Deputy-Speakers are elected in the beginning of every session for the entire duration of it by a two-thirds majority of the whole number of MP's. In the event such majority is not attained, voting is repeated. If during

this vote a three-fifths majority of the whole number of Deputies is not attained, a third vote takes place during which an absolute majority of the whole number of Deputies is sufficient for the election.

5. The Speaker shall take care for the maintenance of order in the Parliament. He shall have the authority to impose on misconducting Deputies the penalty of recalling them to order and recording it in the minutes. After three such recalls within the same session, he shall order the expelling of the Deputy for the rest of the session and the corresponding deduction in Parliamentary remuneration.

6. The acts of the Speaker which concern the hiring and in general the service status of the personnel of the Parliament are subject to an appeal or petition for annulment before the Council of State.

ARTICLE 70

1. Deputies shall be entitled to remuneration payable from the Public Treasury, and specified by a law voted on by the plenum of Parliament. No exemption, discharge, allowance, privilege, or allocation of any other nature is granted to Deputies.

2. If a Deputy shall be absent from more than five meetings per month without the permission of the Parliament, one-thirtieth of his monthly remuneration will be withheld for each absence.

CHAPTER B—POWERS AND OPERATION OF PARLIAMENT

ARTICLE 71

1. Parliament convenes ipso jure on the 15th of the month of September of every year in regular session for its annual work, except if the King has convened the body in session earlier in accordance with article 44.

2. The duration of the regular session cannot be less than 3 months, not including the time of suspension, according to article 45. The regular session is obligatorily extended until the approval of the budget according to article 83 or the voting of a special law according to the same article.

3. The Parliament shall carry out its legislative work in plenum and in two sections.

4. These sections are formed in proportion to the strength of the parties, more specifically as provided for by the Rules of Parliament.

5. The Rules of Parliament shall also specify the distribution of competence between the sections according to ministries.

6. During the period Parliament is not in session, a special section shall be in operation thereof. The provisions of the Constitution pertaining to the other sections shall apply thereon.

7. The provisions of the Constitution pertaining to Parliament, if not otherwise specified, apply to its plenary and by sections operation.

ARTICLE 72

1. Drafts and bills relating to the following matters shall be discussed and voted upon by Parliament in plenary session: The royal house, the Regency, the election of Deputies and the incompatibility of their duties to other activities, the electoral system and the electoral districts, delegating powers according to article 48 § 2. Deputies remuneration, the abuse of civil liberties, the dissolution of parties, the organizing and functioning of the constitutional court, boundary changes of the country, the entry and sojourn of foreign troops in the country or crossing of the country by them, the criminal liability of the Ministers, the state of siege, the issuance of currency, the levy of taxes and in general of public burdens, the relief or exemption from taxation, the granting of pensions, the state budget and accounts as well as drafts and bills which are submitted to it by the Government or the sections of the Parliament, following a decision taken by the absolute majority of their members.

2. The Parliament in plenary session votes its own rules and those of its sections.

3. All other drafts or bills are submitted to the sections, being discussed and voted by them, as more specifically provided by the rules.

4. Every dispute as to the competence of a section, is referred to the plenum of the Parliament, following a decision of the section such decision taken by an

absolute majority vote of the total of its members. The decision of the plenum binds the sections.

5. The plenum of Parliament following a decision taken by the absolute majority of the entire number of Deputies, may ask that a draft or proposal of law which has been pending before a section, be brought before it for discussion and vote.

ARTICLE 73

Parliament shall convene in plenum at least once weekly in order to discharge Parliamentary control.

ARTICLE 74

1. The Parliament shall convene in open sessions at the Parliament House, but may also deliberate in closed sessions at the request of the Government or 15 Deputies, if so decided by a majority vote in secret meeting. Afterward, it shall decide if, on the same subject, the discussion should be repeated in an open sitting.

2. The Ministers and Under Secretaries shall have free access to the meetings of the Parliament and shall be heard whenever they request the floor.

3. The Parliament and the parliamentary committees may petition the presence of the Minister and Under Secretary competent on the topics being discussed by them.

ARTICLE 75

1. The plenum of the Parliament cannot proceed to a discussion without the presence of at least 50 of its members nor can it decide without the absolute majority of the members present which, however, under no circumstances can be less than 40 Deputies.

2. No section of the Parliament shall debate without at least 25 of its members being present nor may it reach any decision without the absolute majority of those present which, however, can never be less than 20.

3. In the case of a tie vote, voting is repeated, and on a second tie the proposal is dropped.

4. The final vote of bills and drafts, in both the plenum and in the sections, is always by name.

ARTICLE 76

No self-invited person shall appear before the Parliament to report anything verbally or in writing. Petitions are presented through a Deputy or submitted to the Presidium. The Parliament shall have the right to forward to the Ministers, the reports addressed to it, and the Ministers or Under Secretaries are obligated to make clarifications whenever requested.

ARTICLE 77

1. On commencement of each regular session, the Parliament establishes committees composed of its members in proportion to the strength of the parties, for the elaboration and study of bills and drafts submitted to it.

2. The Parliament establishes investigation committees composed of its members in proportion to the strength of the parties. The establishment of these committees is mandatory if two-fifths of all the members of Parliament, so request. A law prescribes the functions of these investigation committees.

3. The establishment of investigation committees on matters pertaining to foreign policy or to the defense of the country is not permitted.

ARTICLE 78

1. The right to propose laws belongs to Parliament and the Government.

2. Every bill or law proposal, prior to being brought before Parliament, shall be referred to a special committee for legal elaboration, as per the specific stipulations of the law.

ARTICLE 79

1. Every draft and bill shall be accompanied by an explanatory report as well as the report of the committee which made the elaboration of the legal text according to article 78 § 2. The draft or bill is forwarded to a preliminary committee and on submission of its report or inactive expiration of the designated

time limit, it shall be introduced for discussion after verbal recommendation by the competent Minister or Rapporteur of the committee, provided same was not conducted when the draft or bill was submitted.

2. Bills aiming at the modification of laws concerning pensions or the granting of pensions or the acknowledgement of service duty which gives such a right, are submitted only by the Minister of Finance following the opinion of the Council of Comptrollers and in case of pensions which shall be borne by the budget of organizations of local government or other legal entities of public law, by the competent Minister and by the Minister of Finance. Such pension bills must be specific, and the entering of provisions referring to pensions in laws aimed at regulating other matters shall not be allowed, or such bills will be null and void.

3. Any and all law bills and drafts entailing additional budget expenditure submitted by Ministers, shall not be processed unless they are to be accompanied by a report of the State Accounts Office specifying the expenses to be incurred. If such bills and drafts of law are submitted by Deputies they are previously forwarded to the State Accounts Office which shall be obligated to submit a relevant report within 15 days, otherwise, upon inactive expiration of the above time limit the law draft may be processed without said report.

4. The same applies to the amendments, if so requested by the competent Minister. In this case the State Accounts Office is required to submit their report to the Parliament within 3 days. Upon inactive expiration of said time limit the discussion may also proceed without the report.

5. No bill or draft of law or amendment or supplement originating from the Parliament shall be introduced for discussion, if entailing public expenditure, local government or local entities of public law expenditure or curtailment of their revenues or their property to the end of granting salaries or pension or personal benefit in general, or if it refers to the general status of public servants, local government employees or other public entities or public concerns, in general.

6. A law draft entailing expense or curtailment of the revenues shall not be introduced for discussion, unless accompanied by a special report signed by the competent Minister and by the Minister of Finance and specifying the manner in which said expenses or curtailments are to be met.

7. All bills introducing local or special taxes or any kind of dues in favor of organizations or of public entities or private entities, must also be countersigned by the Ministers of Coordination and Finance.

8. A bill or draft of law aiming at the amendment of provisions of a previous law, shall not be introduced for discussion if the entire text of the provision to be amended is not entered in the explanatory report and if the entire new provision as formulated after the amendment is not entered in the text of the draft or the proposal.

9. No law bill or draft containing provisions unrelated to the main scope of the draft or proposal shall be entered for discussion.

10. No addition or modification to a law bill or draft, shall be introduced for discussion, unless it is directly related to the main scope of the draft or proposal.

ARTICLE 80

1. Every bill and draft is discussed and voted upon once on a per principle, per article, and per its entirety basis.

2. By exception, bills and drafts are discussed and voted twice by the plenum of Parliament and at two different debates which are at least 2 days apart, during the first meeting in principle and per article, and during the second, per article and in the entirety, if so requested by one-third of the entire number of Deputies up to the commencement of the discussion in Parliament.

3. Submitted amendments are referred to the legal committee for elaboration as provided by article 78, paragraph 2.

4. If during the discussion amendments have been accepted, the voting of the entirety is postponed for 3 days from the day of distribution of the amended draft. A second postponement is not permitted.

5. Amendments by deputies, not previously submitted with regard to the drafting of parliamentary committee's report, are not introduced for discussion without the consent of the Government.

6. A law provision not related to the main scope of the law is null and void. A law containing more than one provision unrelated to each other, is invalid in its entirety.

7. Judicial administrative codes drawn up by special committees constituted by special laws, can be passed by a separate law validating such codes in their entirety.

8. The codification of existing provisions can be made by means of a simple classification thereof or by the revalidation of abolished laws save for laws regulating tax matters.

ARTICLE 81

A law bill or draft rejected by the plenum of the Parliament or one of its sections, may not be reintroduced during the same session nor in the section operating after Parliament adjournment.

ARTICLE 82

1. No tax can be levied or collected without law.

2. The object of taxation, the tax rate, the procedure of assessing taxes, tax exemptions or exceptions as well as the granting of pensions cannot be objects of legislative delegation.

3. No tax or any other financial levy can be imposed by retroactive law.

4. By way of exception, any import or export duties or consumer's tax levied or increased, can be collected from the day the bill is submitted to Parliament, provided the law is promulgated in accordance with the time limits of article 47, section 2, or within 10 days after the close of the session at the latest.

ARTICLE 83

1. During its regular annual session, the Parliament votes on the national budget of income and expenditures for the following year, and decides on the annual report submitted thereof.

2. All state income and expenditures must appear in both the budget and the annual report.

3. The budget is submitted to the Parliament through the Minister of Finance at least 1 month prior to the beginning of the fiscal year and after it has been examined by a special committee of deputies, it is voted upon as provided in the rules of the Parliament.

4. Upon the beginning of the fiscal year, the introduced budget shall be considered to have been passed, while the administration of the state's income and expenditures will be made in accordance with the provisions thereof. The Parliament may amend amounts specified, within 2 months from the beginning of the fiscal year.

5. If for any reason whatsoever, the administration of the income and disbursement based on the budget becomes infeasible then the administering shall be made as provided by special law.

6. If the budget or special law referred to in the preceding paragraph are not passed due to termination of the session of Parliament, a royal decree issued on proposal of the council of Ministers, shall extend the validity of the budget of the previous fiscal year by 4 months.

7. The annual report and the general balance sheet of the State must be submitted to the Parliament within a year from the end of the fiscal year at the latest. They are examined by a special committee of deputies and are voted on by the Parliament in accordance with its rules.

ARTICLE 84

No salary, pension, subsidy or compensation shall be entered in the State budget or granted without organizational or other special law.

ARTICLE 85

The minting and issuing of currency, is regulated by law.

ARTICLE 86

1. The authentic interpretation of law, lies with the legislative authority.

2. A law which is not actually an interpretative one, shall have effect as a new law.

SECTION 3—THE GOVERNMENT

CHAPTER A—THE COMPOSITION OF THE GOVERNMENT

ARTICLE 87

1. The government is composed of the Cabinet comprising, the Ministers under the chairmanship of the Prime Minister.

2. By royal decree issued on proposal of the Prime Minister, up to two Deputy Prime Ministers may be appointed, with or without portfolio.

3. In want of a Deputy Prime Minister, the Prime Minister may designate, whenever necessary, one of the Ministers to provisionally act in his stead.

4. The number of Ministers cannot be higher than 20.

5. A special law regulates the office undersecretaries who are invited, according to circumstances, to participate in the meetings of the Cabinet whenever their presence is considered necessary by the Prime Minister.

ARTICLE 88

1. No member of the royal family may be appointed Minister or undersecretary.

2. With the exception of the Prime Minister and the Deputy Prime Ministers, no member of Parliament may be appointed member of the Government or undersecretary, even though he may resign his parliamentary office.

3. No one may be appointed as member of the Cabinet or under secretary if, he lacks the qualifications for deputy, as provided for under article 61 section 1 or if he comes within any of the conditions of article 61 section 2.

4. The provisions of article 63 shall apply both to the Ministers and under secretaries. Lawyers appointed as Ministers or under secretaries, may not practice law.

5. A law may establish the incompatibility of the office of Minister or under secretary with other activities.

CHAPTER B—SCOPE AND RESPONSIBILITIES OF THE GOVERNMENT

ARTICLE 89

1. The Prime Minister designates and expresses the general policy of the Government, secures its unity and directs its activities toward implementation of its policies, being responsible toward the Parliament and the King as regards fulfillment of his mission.

2. The Prime Minister supervises the implementation of the laws by the Government as well as the public interest services in general and their proper functioning in the interest of the State and of the citizens.

ARTICLE 90

The Deputy Prime Ministers of the Government, assist the Prime Minister or replace same in his absence or when he is impeded, as per his decisions in this connection.

ARTICLE 91

1. Each Minister shall carry out the duties in accordance with the law pertaining to his office. Ministers without portfolio, shall perform such duties as prescribed by the decision of the Prime Minister.

2. The under secretaries assist the Minister at the ministry to which they have been appointed and perform such duties as entrusted to them by his decision.

ARTICLE 92

The members of the Government and the under secretaries are collectively responsible for its general policy, each one being held personally responsible for his actions or omissions within the competence of his office.

ARTICLE 93

1. The Government must, within 15 days from the date the Prime Minister has taken the oath of office, table a motion of confidence by the Parliament. The Government is entitled to do so at any other time. If during the forming of

the Government the Parliament is not in session, the latter is called to session within 15 days for a vote of confidence.

2. Parliament may, by decision taken through an absolute majority vote of all its members, withdraw its confidence from the Government or one of its members. A motion of censure can not be submitted, except after the lapse of 1 year from the rejection of such a motion, by Parliament or from the approval by it of a motion of confidence submitted by the Government. A motion of censure must be undersigned by at least one-sixth of the deputies, and the points on which discussion of the motions is to take place, must be clearly specified.

3. By exception, a motion of censure can also be submitted before the lapse of 1 year, if it is undersigned by the half plus one of the entire number of deputies, provided it is accompanied by proposal designating a new Prime Minister.

4. The discussion on the motion of confidence or censure, commences 2 days after introduction of the relative proposal, unless the Government asks for the immediate opening of the debate, at any rate it may not be extended beyond the period of 3 days or 5 days if specifically relating to the political program of the Government.

5. On a motion of confidence or censure, voting takes place immediately after the termination of the debate; it may, however, be postponed for 48 hours, if the Government so requests.

6. A motion of confidence can not be accepted if it is not approved by the absolute majority vote of the attending deputies, who may in no case be less than two-fifths of the total number of deputies. A motion of censure may be accepted only after approval by the absolute majority of the total number of deputies.

7. The Prime Minister and the Deputy Prime Ministers, if members of Parliament, are entitled to vote on the above motions.

ARTICLE 94

1. The Parliament is entitled to accuse the Cabinet members and the under secretaries in conformity with the laws on responsibility of Ministers, before a special court which is presided by the Chief Justice of the Supreme Court and composed of 12 judges drawn by the speaker in public session from all justices of the Supreme Court and the judges of the Courts of Appeal who were in office before the indictment, according to the specific provisions of the law.

2. No prosecution, investigation, or preliminary investigation shall be assumed against a Cabinet member or under secretary, before the Parliament so decides. Any administrative inquiry is also considered as an investigation. If during the administrative inquiry, evidence is found capable of substantiating liability of a Cabinet member or under secretary, the investigators shall promptly interrupt the investigations and shall forward the evidence, through the public prosecutor, to the Parliament.

3. The Parliament shall decide on the formulation of charges against a member of the Government or an Under Secretary, following an investigation and report by the Commissioner under article 127, as provided by the law.

SECTION 4—THE COURTS

CHAPTER A—CONSTITUTION OF THE COURTS

ARTICLE 95

1. Justice is administered by courts constituted of regular judges.

2. In discharging their duties, judges are subject only to the Constitution and the laws.

3. No query or interpolation or declaration may be submitted or any discussion whatsoever may be conducted in Parliament concerning a trial pending before any court.

ARTICLE 96

1. The regular justices of any category, the regular members of the Council of Comptrollers, and the prosecuting attorneys are appointed to the initial rank by the King, in accordance with the law.

2. Special laws shall determine the qualifications, the rank, salary, and general service status of the functionaries mentioned in the previous paragraph.

ARTICLE 97

1. The members of the constitutional court, state councillors, supreme court justices, members of the Council of Comptrollers, judges of the Courts of Appeal, the assistant members of the state Council and the Council of Comptrollers, the judges of the district courts and the regular judges of the regular administrative courts are appointed for life. The prosecuting attorneys and assistant prosecuting attorneys, the general Commissioners of the Council of Comptrollers, the commissioners and vice commissioners of the administrative courts, the reporters of the Council of State, justices of the peace, magistrates, clerks of all courts and prosecuting attorneys offices and their assistants, notary publics as well as the registrars of mortgages and deeds shall be permanent, and shall hold their positions as long as their respective posts exist. The lifelong or permanent members of the judiciary and other court employees may be dismissed from their positions only by virtue of a judicial decision, because of criminal conviction, breach of discipline, illness or incompetence, confirmed as the law provides and in accordance with the provisions of articles 116 and 117.

2. Retirement is compulsory for members of the Council of State, the supreme court justices, the prosecuting attorney and the assistant prosecuting attorneys at the Supreme Court, the members of the Council of Comptrollers, the chief judges and prosecuting attorneys of the court of appeal, the presidents of the appellate administrative courts, the General Commissioner of the Council of Comptrollers, the commissioners of the appellate administrative court, upon completion of their 70th year of age. All other regular judges, prosecuting attorneys, commissioners, and assistant commissioners of the administrative courts retire upon completion of the 65th year of their age.

3. Notary publics and nonsalaried registrars of deeds and mortgages retire upon completion of the 70th year of their age.

ARTICLE 98

1. The members of the constitutional court are appointed, as provided by law, by decree issued at the recommendation of the Council of Ministers following the opinion of the plenum of the constitutional court.

2. The number of members of the constitutional court shall be 11. It may, however, be increased up to 15 by royal decree, issued at the recommendation of the Ministerial Council following the concurring opinion of the constitutional court.

3. The members of the constitutional court are selected :

(a) Among the members of the highest court, or university professors of law or distinguished legal scholars, and

(b) From public personalities distinguished in the political, economic, and professional life, as well as public functionaries of the highest rank.

4. The majority of the members of the constitutional court come from those under (a) of the previous paragraph.

5. The offices of President and Vice Presidents of the constitutional court are occupied by members of their court who are promoted to them by royal decree issued on recommendation of the Council of Ministers.

6. All matters concerning the auxiliary judiciary personnel, secretarial and other staff of the constitutional court shall be determined by law.

7. During the first period of application of the present Constitution, of the 11 members of Constitutional Court, six shall be appointed from category (a) and the remaining five from category (b) of paragraph 3 of the present article. Their appointment is made by royal decree on recommendation of the Council of Ministers, after opinion of a committee, the composition of which is provided by law.

ARTICLE 99

1. Counsel and assistant counsel of the State Council are promoted as provided by law, by virtue of royal decree issued on the recommendation of the Minister of Justice with the concurring opinion of the plenum of this court.

2. The promotions to the positions of President and Vice Presidents of the Council of State are reserved to counsel of this court, by virtue of royal decree issued on recommendation of the Council of Ministers.

ARTICLE 100

1. Promotions, assignments, transfers, and detachments of the justices of the regular civil and criminal courts, as well as those of public prosecutors and as-

assistant public prosecutors, are effected by royal decree, issued on the recommendation of the Minister of Justice following a decision by the Supreme Judicial Council. This council is composed of members of the Supreme Court. If the Minister of Justice disagrees with a decision of the Supreme Judicial Council, he may, within a mandatory time limit of 15 days from the day he is taking notice of the decision, refer it to the plenum of the Supreme Court. The decisions of the plenum of the Supreme Court, as well as those of the Supreme Judicial Council, to which he did not dissent, are mandatory for the Minister.

2. Promotions to the offices of Chief Justice, Deputy Chief Justices, and Public Prosecutor of the Supreme Court are reserved to the members of the Supreme Court, and are effected by royal decree, issued on the recommendation of the Council of Ministers.

3. Decisions provided for by this article as well as the administrative acts issued in execution thereof, are not subject to review by the Council of State.

ARTICLE 101

1. The assistant members of the Council of Comptrollers are promoted by virtue of royal decree, issued on recommendation of the competent Minister with the concurring opinion of the plenum of this court, in accordance with the provisions of the law.

2. The promotions to the offices of President and Vice President of the Council of Comptrollers are reserved for the counselors of this Court and are effected by royal decree issued on recommendation of the Council of Ministers.

ARTICLE 102

1. The promotions, assignments, transfers and detachments of justices, commissioners and vice commissioners of the administrative courts are effected by royal decree, issued on recommendation of the competent Minister pursuant to prior decision of the Supreme Council of Administrative Justice. This council is composed of members of the Council of State. If the competent Minister dissents to a decision of the Supreme Council of Administrative Justice, he may, within the mandatory time limit of 15 days from the day the decision was announced to him, refer the case to the plenum of the Council of State. The decisions of the plenum of the Council of State as well as those of the Supreme Council of Administrative Justice to which he has not dissented, are binding for the Minister.

2. Decisions issued according to the provisions of the present article, as well as the administrative acts issued in execution thereof, are not subject to review by the Council of State.

ARTICLE 103

The acceptance of any other paid service or the practising of any profession whatsoever, as well as the participation in administrative bodies of local government organizations or other public entities public enterprises and commercial companies is prohibited for regular justices. Their election as members of the Academy of Athens as well as their assignment to the special administrative courts, provided for by article 109 paragraph 3, is permitted.

ARTICLE 104

1. Disciplinary power over the members of the constitutional court, the State council, the Supreme Court and the Council of comptrollers is discharged, in accordance with the law, by a council composed of two members from each of these courts, under the chairmanship—in cases concerning members of the Constitutional Court of the President of the State council, and in cases concerning members of the council of State, the Supreme Court and the council of comptrollers, of the president of the Constitutional Court. The members of the council are chosen by a drawing of lots. The members of the court, on the activities of which in its entirety or of some of its members the council is called upon to pass judgment, are not included in the drawings. The disciplinary action is taken up by the minister of justice.

2. The disciplinary power over the remaining regular judges, public prosecutors, assistant prosecutors, commissioners and deputy-commissioners of the administrative courts, is exercised by councils composed of regular judges in accordance with the law. Disciplinary action is taken before these councils by the minister of justice.

3. The decisions issued in accordance with this article are not subject to review before the State council.

ARTICLE 105

The qualifications of the employees of the secretariat of all courts and district attorneys offices are predetermined by law. The transfer, detachment and promotion of these employees is effected pursuant to a concurring and considered opinion of the legal councils, composed of regular judges, and disciplinary power is discharged upon them by the regular judges, prosecutors and assistant prosecutors or by court councils, composed as the law rules.

CHAPTER B—THE POWERS OF THE COURTS

ARTICLE 106

1. The Constitutional Court decides on the meaning and the extent of the powers of the King, Parliament and the Government, upon application, in accordance with the Constitution, of the Government, the speaker of the Parliament or a party recognized according to the Constitution and the rules of Parliament. The decisions of the Constitutional Court shall be published, upon instructions from its president, in the Government gazette.

2. The Constitutional Court decides :

(a) On appeals against legislative or administrative acts, on the preparation or carriage of parliamentary elections, as well as pleas against the validity of the election of deputies, whether they refer to electoral violations in carrying them out, or lack of qualification.

(b) On the constitutionality of a law, legislative decree, or on provisions thereof, in the event of publication of conflicting decisions as to it by the State council, the Supreme Court or the council of comptrollers upon petition by the minister of justice or anyone having a lawful interest.

(c) On every other case coming under its jurisdiction, as provided for by the Constitution.

3. All decisions of the Constitutional Court are irrevocable. They are published by order of its president in the Government gazette, and from the time of their publication, the decisions are *res judicata* to all.

4. A provision of law or legislative decree proclaimed unconstitutional by decision of the Constitutional Court, is null and void as of the time such law or decree is published or from the time set forth in the decision.

ARTICLE 107

1. Under the jurisdiction of the council of State fall :

(a) The elaboration of regulatory decrees and those under article 48 § 2.

(b) The annulment—upon petition—of acts of the administrative authorities on account of excess of their authority or violation of a law as more specifically provided for by the law.

(c) The reversal, upon petition, of a final decision of the administrative courts for violation of the law or excess of authority.

(d) Any other administrative case provided by the constitution or the law.

2. A law may establish further grounds for reversal or annulment.

3. The provisions of articles 116 and 117 of the Constitution do not apply in the case of paragraph 1.

4. Compliance with the annulling decision of the council of State constitutes an obligation for the administration.

ARTICLE 108

1. Under the jurisdiction of the council of comptrollers fall :

(a) The rendering of opinions on law pertaining to pensions, granting of pensions or acknowledgment of service for the granting of a pension according to article 79, paragraph 2.

(b) The account to the parliament on the financial report and general balance-sheet.

(c) The auditing of expenditures of the State agencies, of local government and other legal entities of Public Law as the law provides.

(d) The auditing of rendered public accountings.

(e) The adjudication of disputes arising from the auditing of rendered public accountings.

(f) The recourse or appeals against the accountable actions of ministers or other administrative officers, the local government bodies, and other legal entities of Public Law.

(g) The adjudication of cases concerning the liability of civil servants for all damage incurred to the State resulting from fraud or negligence.

(h) The hearing of appeals arising from the pension awards according to the law.

(i) All other administrative cases specified by law.

2. The provisions of articles 116 and 117 of the Constitution are not applicable to the cases under a, b, c, and d of the preceding paragraph.

3. The decisions of the council of comptrollers on the assessment of those accountable and the awarding of pensions are not subject to review by the council of State.

ARTICLE 109

1. Regular administrative courts are established by special legislation for the adjudication of either all the administrative disputes or certain categories thereof.

2. Every other administrative case specified by law shall fall under the jurisdiction of regular administrative courts.

3. Administrative disputes continue under the jurisdiction of the regular civil courts, as provided for by law, until the establishment of the regular administrative courts, save for those placed under the jurisdiction of administrative courts established by special laws in observance of articles 116 and 117 of the Constitution.

Pending the issuance of special laws, those existing concerning administrative jurisdiction are valid.

ARTICLE 110

All disputes or cases of civil law fall under the jurisdiction of the regular civil courts, while criminal cases fall under the jurisdiction of criminal courts.

ARTICLE 111

1. Crimes and political offenses are brought before mixed courts constituted as the law provides, by regular judges constituting majority and jurors.

2. Until the present comes into effect, crimes placed under the jurisdiction of the appeal courts by parliamentary acts and special laws shall continue to be decided by them, provided a law does not place them under the jurisdiction of the mixed courts.

3. Press offenses fall under the jurisdiction of the regular criminal courts, as provided by law.

ARTICLE 112

1. Special laws, in deviation of the provision of paragraph 1, article 95 shall govern: matters pertaining to (a) military, naval, and Air Force court martials, under the jurisdiction of which no civilians may come, except for criminal offenses against the security of the armed forces, (b) special prize courts.

2. Special laws regulate matters pertaining to juvenile courts on which the provisions of articles 95 § 1, 116 and 117, may not be applicable.

ARTICLE 113

1. A law may provide that for misdemeanors certified by police officers, specific fines may be established, payment of which absolves the violators from penal prosecution. Those questioning whether a violation did occur are entitled to petition to be brought before the courts. In case of failure to petition or to appear before court the fine shall be collected within a set time limit, according to the law on collection of public revenues.

2. The trial of misdemeanors relating to farm lands and claims resulting therefrom, may be entrusted to the rural constabulary. Decisions issued by these authorities shall be subject to appeal before a judicial authority, such appeal suspending the execution of such decisions.

ARTICLE 114

The lifting of conflict between :

(a) Judicial and administrative authorities, (b) the council of State and administrative authorities and (c) administrative and regular courts, shall be

decided by a mixed court consisting of an equal number of Supreme Court justices and counsellors of the State, under the chairmanship of the minister of justice or his deputy as provided by law.

ARTICLE 115

1. Suits for mistrial against members of the council of State, and the assistants of the council, Supreme Court justices, judges of the courts of appeal and of district courts, public prosecutors, assistant prosecutors, judges, commissioners and deputy commissioners of administrative courts and life members of the council of comptrollers, are tried by special court constituted, as the law provides, by drawing lots, of one member of the comptrollers, three lawyers regular or alternate members of the supreme disciplinary council and two professors of the faculty of law of the University of Athens. No permission is required to commence the action of mistrial.

2. Any member of this court belonging to such body, the actions or omissions of certain or all members of which are brought to court, shall be disqualified to take a seat in the court deciding thereon.

3. Action for mistrial against members of the constitutional court is not permitted.

CHAPTER C—THE FUNCTIONING OF THE ADMINISTRATION OF JUSTICE

ARTICLE 116

The hearings of the courts are public. By exception, the court by its own decision, as provided by the law, must order the proceedings in total or in part, to be held behind closed doors if public discussion may be prejudicial to national interests or social order, or the armed forces, or good morals, or public order or special reasons to protect the family or the private life of a person, justify same.

ARTICLE 117

All decisions must be duly supported and pronounced in public sessions.

ARTICLE 118

The courts are bound not to apply provisions of a law, legislative decrees, and regulative acts, which are enacted in violation of the Constitution or are inconsistent with its provisions.

ARTICLE 119

Every citizen is entitled to demand the protection of the court and to have the opportunity to advance views in support of his rights or interests before the court.

SECTION 5—THE ADMINISTRATION OF THE STATE

CHAPTER A—ORGANIZATIONAL PRINCIPLES OF THE ADMINISTRATION

ARTICLE 120

1. The administration of the State is organized in accordance with the system of decentralization, as the law rules.

2. The State is divided into districts. In demarcating these districts by law, consideration shall be given to the geoeconomical, population, and transportation conditions defined by law.

ARTICLE 121

1. Local government comprises municipalities and communities.

2. The election of municipal and community authorities is effected secretly through universal suffrage.

3. In deviation of the provisions of the previous paragraph a law regulates matters relating to the designation of the executive instruments of associations of municipalities, communities or municipalities and communities.

4. In order to be elected mayor, community president, municipal or community counsellor, one must be a Greek citizen, have completed his 25th year of age on the day of election and at the same time have the right to vote, be registered in the electoral lists and not come under any of the cases, provided for in article 61, paragraph 2.

5. The organization of local government aim exclusively at the advancement of local interests and the satisfaction of the needs of the population of the respective district.

Any involvement of these agencies in matters deviating from the aforementioned aims, shall be prohibited, as the law rules.

6. The state exercises supervision over the organizations of local government according to the law. A law provides for the manner and details for application of this provision.

7. The state provides the local self-government organizations with the necessary funds so that they may fulfill their mission.

8. The councils of local self-government organizations may be dissolved or members of same be dismissed on motion of the supervising authority as the law provides, because of activities against the territorial integrity of the state, the form of government, the social system, the security of the state and the political and individual liberties of the citizens, or because of activities in violation of paragraph 5 of the present article.

ARTICLE 122

1. The Athos Peninsula extending beyond Megali Vigla and constituting the district of Aghion Oros shall in accordance with its ancient privileged status, be a self-governed part of the Greek State, whose sovereignty thereon shall remain unaffected. Spiritually, Aghion Oros shall come under the direct jurisdiction of the Oecumenical Patriarchate.

All persons residing in monastic life thereon, shall acquire Greek nationality upon admission as novices or monks without any further formality.

2. Aghion Oros shall, in accordance with its regime be governed by its 20 holy monasteries, amongst which the entire peninsula is divided and its territory shall be exempt from expropriation. The administration shall be exercised by representatives of the holy monasteries constituting the holy community.

No change whatsoever shall be permitted in administrative system or the number of monasteries of Aghion Oros, nor in their hierarchy and their position in regard to their dependencies; and the dwelling thereon of heterodox or schismatic persons shall be prohibited.

3. The detailed determination of the Aghion Oros regimes and the manner in which they operate, is effected by the Charter of Aghion Oros which in cooperation with the representative of the state, is drawn up and voted for by the 20 holy monasteries, then ratified by the Oecumenical Patriarchate and the Greek Parliament.

4. The correct observance of the Aghion Oros regimes, shall from the spiritual point-of-view fall under the supreme supervision of the Oecumenical Patriarchate and from the administrative field, one under the supervision of the state, which shall also be exclusively responsible for the safeguarding of public order and security.

5. The aforementioned powers of the state shall be exercised within the limits of the charter, by a governor, whose rights and duties shall be determined by law. Law also determines the judicial powers discharged by the monastic authorities and the holy community, as well as the customs and taxation privileges of Aghion Oros.

CHAPTER B—THE ADMINISTRATIVE OFFICERS

ARTICLE 123

1. The civil servants, the employees of the Parliament, legal entities of public law and the organizations of local government must owe manifest allegiance and devotion to the country and the national ideals, expressed by deed, carry out the will of the state, and serve the people.

2. Such capacity of those civil servants referred to in paragraph 1 of this article, is absolutely inconsistent with the ideologies aiming at the overthrow or undermining of the existing political or social order or related to the principles and programs of parties dissolved and outlawed.

3. A law shall regulate the manner in which the provisions of this paragraph shall be implemented.

ARTICLE 124

1. No one may be appointed civil servant to a post not provided for by law and without observing the procedure of selection in accordance with the law. By

exception, and for a limited number of specific positions requiring special qualifications, appointment is permitted without complying to the above mentioned procedure, in accordance with the provisions of a special law.

2. The organizational structure of every public service in general shall be established on the principle that the posts of higher and highest civil servants, may not exceed one-third of the overall number of posts of the junior public servants. The distribution of higher and highest posts by grades in each service, as to ensure that the posts in each of the said grades will not be in excess of six times the number of posts in the immediate higher grade.

3. The engagement of temporary employees of any type shall be prohibited. By way of exception the engagement of employees under civil law contracts may be permitted in accordance with a special law specifying the exceptional or urgent need as well as the duration of the employment of those to be engaged.

4. A law shall regulate matters concerning temporary employees already serving in any capacity whatsoever.

ARTICLE 125

1. The qualification of the State civil administrative servants, as well as the employees of all of local government organizations or other legal entities of public law are specified by law.

2. Civil servants holding organic positions are permanent and stay in office as long as the respective services and posts exist. With the exception of retirement due to age limit or dismissal as a result of judicial decision they shall not be transferred without a duly supported opinion nor shall they be demoted or dismissed without a specific decision of councils constituted according to the law and composed of regular civil servants by at least two-thirds. Such decisions may be appealed before the Counsel of State, as the law provides.

3. The provisions of the sections 1 and 2 are also applicable to (a) the employees of the Parliament, otherwise governed by the rules of Parliament; (b) municipal employees, who hold organizational positions, with the exception of the community employees for whom however, the provisions relating to permanency may be extended by law.

4. The civil servants as well as employees of Parliament, referred to in paragraph 1 of this article shall retire from the service upon completion of 35 years of actual public service, those however being of grade 4 and above, and those employees of special equivalent grading, at the completion of their 65th year of age, and those of lower grades after completion of their 62d year. Professors of universities and of equivalent institutions of advanced education, regardless to number of years of service, shall retire upon completion of their 65th year of age.

5. Those directly appointed as ambassadors or ministers plenipotentiary, ministers resident, secretaries general, prefects or other heads of administrative districts of the state, the governor of Aghion Oros, the Commissioner of the State to the Holy Synod of the Orthodox Church of Greece, the employees of the Prime Minister's office and the offices of the Deputy Prime Minister, Ministers of the Government and Under Secretaries, as well as those of the Speaker's office may be exempted by law from the requirements for permanence, and the application of the provisions of the previous paragraph.

ARTICLE 126

1. No one may be appointed an employee to more than one salaried government post or posts with a local government organization or other legal entity of public law. By exception, appointment to a second position may be permitted under special circumstances, by special law, in compliance with the provisions of the following paragraph.

2. Compensations or any other emolument whatsoever, paid to salaried employees in general from the public treasury or from the funds of public or private entities, for those holding a contract with the State or enjoying privileges derived therefrom because of services performed within the country, may not exceed in their totality the regular monthly remuneration of their organizational post. Noncompliance with this condition discovered and determined by court, entails the definite dismissal of the violator.

3. The incompatibilities prescribed for Deputies under article 63 shall also apply to the salaried civil servants, who may however be appointed members of the administrative councils.

4. No prior permission of an administrative authority is required for the bringing to trial of civil servants, employees of local government organization or other legal entities of public law.

ARTICLE 127

1. The Parliament at the beginning of each session shall elect a legal expert of prominent professional standing, nonmember of Parliament, as Commissioner to assist with parliamentary control.

2. The Commissioner shall be elected by a two-thirds majority vote of the total members of Parliament.

3. The Commissioner acts on instructions of the Speaker of Parliament at the request of the Prime Minister or the leader of a recognized party in accordance with the rules of Parliament, towards whom he submits reports and findings.

4. The implementation of the provisions of this article shall be determined by law.

ARTICLE 128

All the personnel in the Royal Court, the Political and Military House and Office of the King, excepting the domestic personnel, are appointed or placed by royal decree issued on recommendation of the Prime Minister, for a maximum period of 3 years. Armed Forces personnel in active service may not be detached for service in the Royal Court for more than 1 year.

SECTION 6—THE ARMED FORCES

ARTICLE 129

1. The Armed Forces are composed of the Army, the Navy, and the Air Force and have as their mission, to defend the national independence, territorial integrity of the state and the existing political and social system against any insidious attempt.

2. The administration of the Armed Forces shall be exercised by the Government through the Chief of the Armed Forces as more specifically provided by law. He, as well as the Chiefs of Army, Navy, and Air Force are selected, from amongst those having the qualifications according to the law, by the Supreme Council for National Defense, constituted as provided for by law.

ARTICLE 130

1. The members of the Armed Forces owe faith and allegiance to the country, the national ideals and traditions and serve the nation.

2. The mission and the capacity of a military man is absolutely opposed to ideologies aiming at the overthrow or the undermining of the existing political or social order or the corrupting of the national convictions of the Greeks, or connected to the principles and programs of parties which have been dissolved and outlawed.

3. Law determines the manner of application of the provisions of this article.

ARTICLE 131

1. Promotions and retirements of the regular officers of the Armed Forces are effected by virtue of royal decree, issued on recommendation of the Minister of National Defense, following a decision of service councils constituted of high ranking officers, as provided by law.

2. If the Minister of National Defense disagrees with the decision of the council, he may within a mandatory time limit of 15 days, after having taken notice of the decision, submit same to an appellate council of broader composition, by high ranking officers.

3. The assignments and transfers of the senior and high ranking officers of the Armed Forces are effected by service councils composed of high ranking officers as provided by law.

4. The decisions of the councils in accordance with the provisions of this article are binding for the Minister of National Defense and the administrative acts issued in execution thereof, are not subject to review by the Council of State.

5. The procedure for application of the provisions of the present article, the constitution of the councils, the jurisdiction thereof, as well as matters relating to promotion, of the regular officers of the Armed Forces, shall be regulated more specifically by law.

ARTICLE 132

The provision of article 131 is accordingly also applied to regular officers of the Security Forces, the Port Offices Corps and the Fire Department. The respective councils being composed of senior and high ranking officers.

PART FOUR—TRANSITORY PROVISIONS

ARTICLE 133

1. Laws published to date in accordance with article 104 of the Constitution of January 1, 1952, are considered as not being opposed to the present Constitution and remain in force.

2. In deviation from article 21 of the Constitution it shall be permitted by legislation to provide for the adjustment or dissolution of such long term tenancies of fields and quit-rent burdens as may still exist, for the buying off of full ownership by holders of emphyteutic holdings, for the abolition and adjustment of real relations of a peculiar nature and for the taking of measures against the subdivision or re-establishment of small patches of land which is excessively subdivided.

ARTICLE 134

1. The Regent, who was appointed by the Proclamation of the Revolutionary Committee, on December 13, 1967, shall continue to discharge his duties until such time, as the first parliamentary elections in accordance with the Constitution will be held, except if the Government invites the King to return to Greece before that time.

2. If prior to the above time limit, the Regent ceases, for any reason to discharge his duties, the Government by decision shall appoint the new Regent.

ARTICLE 135

The first parliamentary elections after this Constitution comes into effect, as well as, those immediately thereafter, shall be held on the basis of a law enacted in accordance with paragraph 4 of article 136. The first elections shall be carried out by the National Revolutionary Government.

ARTICLE 136

1. All laws and decrees insofar as they are in conflict with the Constitution are abolished.

2. The Parliamentary Act of April 16–29, 1952, shall remain in force. Constituent acts, published after April 21, 1967, and conflicting with the Constitution, shall remain in effect until they are abolished by law, issued in accordance with section 4 of this article, but never beyond the time when the Constitution shall come into full effect. The aforementioned acts may be amended by law, but the provision so amended must not be in conflict with the Constitution.

3. Articles 1 and 3 of Continuent Act A. of the year 1967 "referring to the exercising of Constituent and Legislative Power and amendment of the Constitution," as well as any provision of identical or similar contents to other constituent acts, are abolished.

4. From the time the Constitution comes into effect and until the carrying out of elections and the assembly of Parliament, the person exercising the royal authority, shall issue on recommendation of the Council of Ministers, legislative decrees which shall not require the ratification of Parliament.

PART FIVE—EFFECT AND REVISION OF THE CONSTITUTION

ARTICLE 137

1. The provisions of the Constitution which designate the form of the government as a crowned democracy, as well as the balance of the fundamental provisions thereof, may never be revised.

2. After the lapse of 10 years from the approval of the Constitution by the referendum, the revision of its nonfundamental provisions shall be permitted, whenever the Parliament, through a majority vote of three-fifths of its entire membership so requests, by an act, specifically designating the provisions to be revised, and voted upon in two ballots which shall be at least 1 month apart.

3. Once the Parliament has decided on the revision, the subsequent Parliament during its first session, shall decide on the provisions to be revised by absolute majority of its total membership.

4. Every revision of nonfundamental provisions of the Constitution voted on, shall be issued and published in the government gazette within 10 days of its being passed by the Parliament and shall come into effect by a special parliamentary act.

ARTICLE 138

The present Constitution, after its approval by the Greek people through referendum, signed by the Cabinet and published in the government gazette, comes into immediate effect, with the exception of the provisions of articles 10, 12, 13 section 1, 14 sections 1-3, 18, 19, 25 sections 2-3, 58 sections 1-2, 60, 111, 112, 121 section 2, the national revolutionary government being authorized to place these provisions into effect through acts published in the government gazette.

(Published by the Press Department of The Prime Ministers Office.)

(The following commentary on the Greek Constitution was submitted to the subcommittee by Mrs. Andreas Papandreaou as a supplement to her statement which appears on p. 169.)

PANHELLENIC LIBERATION MOVEMENT (P.A.K.) STOCKHOLM, SWEDEN

THE GREEK CONSTITUTION OF 1968—THE CONTINUATION OF MARTIAL LAW BY OTHER MEANS

THE PLAN

On April 21, 1967, a conspiracy of colonels belonging to the Greek intelligence services seized power using a NATO contingency plan. Dean Rusk, in his first official statement on Greece, exactly one week after the military-intelligence take-over, re-assured American political opinion that King Constantine "has called for an early return to parliamentary government. We are now awaiting," Rusk continued, "concrete evidence that the new Greek government will make every effort to re-establish democratic institutions which have been an integral part of Greek political life."

This 'return to democracy', heralded and promised time and again by American spokesmen, has never materialized. Instead, as is carefully documented by the Council of Europe, the Greek people have been subjected to an unabating reign of terror and intimidation. In this context of brutality, a plan has emerged—a plan worked out in co-ordination with the American Department of State and in consultation with the Pentagon and CIA. This plan is for the *legitimization of the Greek military junta in the framework of the totalitarian Constitution of 1968*. With the implementation of this constitution, the security-managers of the American foreign policy establishment hope to quiet dissent over its Greek policy in the U.S. Congress and in Western Europe, and to secure on a permanent basis the military and economic exploitation of Greek geo-political space.

The cost is borne by the Greek people in the form of freedom and dignity.

THE RIGGING OF A REFERENDUM

On September 29, 1968, the Greek junta held a referendum on its new constitution. The following January, Mr. van der Stoep, Rapporteur on the situation in Greece, made an extensive report to the Consultative Assembly of the Council of Europe. He made, among other items, the following observations.

"28. The referendum was held under martial law. During my visit to Greece in April 1968, I received contradictory replies from different members of the Greek Government to the question whether martial law would be raised during the referendum campaign and at the time of the referendum itself. Mr. Pipinelis, Minister of Foreign Affairs, assured me that the referendum would be absolutely free and honest. In his personal opinion, he said, the state of seige should be raised for the referendum. The reality was different.

"31. During the whole 'discussion' on the Constitution, political leaders and political parties had no real opportunity to state frankly their views. Not a

single meeting of political parties to discuss the draft Constitution could be held. Everything possible seems to have been done to isolate the political leaders from the people. Furthermore, some of them, and some of the leading political figures, were in prison, deported or under house arrest. Many others were under constant police supervision. Thus, there was no organized political opposition in the campaign.

"34. Before the referendum, the Greek people were for seventeen months subjected to an enormous one-sided official propaganda campaign by the government which monopolized all propaganda media since the coup d'etat and suppressed any opposition campaign. As I mentioned in my September report, I have received repeated reports concerning pressure which was exercised on village notables to use their influence to secure a safe majority in their village.

"45. On 3 November 1968, at the funeral of George Papandreou, which gave rise to the first important mass demonstration against the regime, the favourite slogan was 'OXI' (no), a delayed protest against the constitutional referendum. Ignoring martial law a huge crowd of Greeks—300,000 according to certain press reports—shouted: 'We want freedom', 'You are still the Prime Minister', 'Down with Tyranny,' etc."

Results of the referendum: nearly 92% "yes", 8% "no", with 22.5% abstentions despite harsh penalties for failure to vote.

THE NATURE OF THE CONSTITUTION

Two novel features of the 1968 Constitution demonstrate its fundamental purpose:

1. The Army is organized as a fourth, independent power which is not controlled by the elected political leadership, although it is integrated into the NATO command structure. The Army is administratively autonomous. Its decisions are binding on the Minister of Defense. It is further empowered to "protect the social order . . . against external and . . . internal enemies."

2. The Constitutional Court, appointed for life by the current junta, maintains control over the political life of the country. It decides irrevocably which citizens and parties may participate in the political process on the basis of their political beliefs. The Court is empowered to dissolve parties and to depose Deputies.

The Constitution also forbids the elected Parliament to consider issues of foreign or defense policy, and imposes severe restrictions on individual rights, freedom of the press, and labor activity.

Thus the Greek Army is permitted to operate as an *occupation force*. The Parliament is reduced to *Quisling status* functioning to provide political support for the Army establishment, and the Greek people *reduced to political impotence* through isolation from each other and the government.

In detail, the Constitution operates as follows:

THE ARMED FORCES: A FOURTH BRANCH OF GOVERNMENT

The most striking feature of the new constitution is the creation of a fourth, distinct, inviolable constitutional power—namely, the armed forces of the nation. Article 131 provides the following:

"1. Promotions and retirements of the regular officers of the armed forces are effected by Royal Decree, issued on the recommendation of the minister of National Defense, following a decision of the service councils constituted of highest ranking officers, as provided by law.

"2. *If the minister of National Defense disagrees with the decision of the council, he may within a mandatory time limit of fifteen days, after having taken notice of the decision, submit same to an appellate council of broader composition, by highest ranking officers.*

"3. The assignments and transfers of the higher and highest rank officers of the armed forces are effected by service councils comprised of highest rank officers as provided by law.

"4. *The decisions of the councils in accordance with the provisions of this article are binding for the Minister of National Defense and the administrative acts issued in execution thereof are not subject to review by the Council of State.*"

Thus under the colonels' constitution the armed forces are formally as well as in substance beyond the reach of the civilian government. They constitute a self-governing body, whose objectives and basic structure are given by Article 129.

"1. The armed forces . . . have as their mission, to defend the National Independence, territorial integrity of the country and *the existing political and social system against external or internal enemies.*

"2. The administration of the armed forces shall be exercised by the Government through the Chief of the Armed Forces. He, as well as the Chiefs of the Army, Navy and Air Force are selected, from amongst those having the qualifications according to law, by the Supreme Council for National Defense, constituted as provided by law."

Thus the armed forces are constituted as the self-administered internal security force of the nation. To insure that they will indeed protect "the existing political and social system against . . . internal enemies," Article 130 provides the following:

"1. The members of the armed forces owe faith and allegiance to the Country, the national ideals and the national traditions and serve the Nation.

"2. *The mission and the capacity of a military man is absolutely opposed to ideologies aiming at the overthrow or the undermining of the existing political or social regime or the corrupting of the national conscience of the Greeks, or associated with the principles and programs of parties outlawed.*"

Article 49 maintains the King as the symbolic head of the Armed Forces.

THE COUNCIL OF THE NATION : THE ARMY'S LEVERAGE ON THE FORMATION OF GOVERNMENTS

The Council of the Nation is a new institution patterned after the Crown Council of old. This supreme body shares with the titular Chief of State, the King, his substantive powers. The Council of the Nation consists of five members at most, one of whom is the chief of the armed forces. Thus the army bureaucracy is raised to the top echelon of the state. Article 54 provides the following:

"2. The Council of the Nation shall be comprised by the Prime Minister, the Speaker of the Parliament, the leaders of the two most powerful parties in Parliament, as long as one of them is not also Prime Minister, the President of the Constitutional Court and the Chief of the Armed Forces."

The Council of the Nation has substantial powers in the formation and dissolution of governments. Article 43, section 1, provides that, "** * * The King shall dismiss the Government after hearing the opinion of the Council of the Nation.*"

Section 3 of the same Article states:

"In the event after general elections, no party wins the absolute majority in Parliament, the Parliament, after electing its Praesidium, shall propose a Prime Minister by the absolute majority of the totality of its members, and the King appoints him. *If during this ballot, no one obtains the absolute majority, the King shall then appoint the Prime Minister, after first having obtained the opinion of the Council of the Nation.*"

And in section 4 of the same article, we read:

"4. *In every other case except that provided in art. 93.3 the King shall appoint the Prime Minister after having obtained the opinion of the Council of the Nation.*"

Article 46 further provides that, "*1. The King may dissolve Parliament after having heard the opinion of the Council of the Nation.*"

THE CONSTITUTIONAL COURT : A POLITICAL POLICEMAN

An even more intriguing feature of the new constitution is the creation of the Constitutional Court. This new body assumes supreme supervisory powers over the political process as a whole. As provided in Article 93, its members are appointed for life by the current Council of Ministers—namely, the leadership of the military regime. Its members are selected from the highest Court, the universities and from amongst public personalities in the political, social, economic, cultural and intellectual realms. In practical terms, of course, these categories must be understood in terms of the purges, exiles and defamation campaigns which Greece has experienced under the military regime.

The sweeping powers of the Constitutional Court are described in Article 106:

"1. The Constitutional Court decides on the meaning and the extent of the competencies of the Chief of State, the Speaker of the Parliament, and of the government, in accordance with the constitution, upon application of the Govern-

ment, the Speaker of the Parliament or a Party recognized according to the Constitution and the rules of Parliament . . .

"2. The Constitutional Court decides a) on appeals against legislative or administrative acts, on the preparation or carriage of elections, as well as on the validity of the election of deputies, whether they refer to electoral violations in carrying them out, or lack of qualifications . . . c) on every other case submitted to its jurisdiction by the present Constitution.

"3. The decisions of the Constitutional Court are irrevocable. They are published by order of its President in the Government Gazette, and from the time of their publication, the decisions are *res judicata* to all."

The dictatorial substance of the powers granted the Constitutional Court in sections 2.a) and 2.c) or Article 106 is spelled out in Article 58:

"1. Political parties shall be founded freely by Greek citizens having the right to vote. These parties through their activity shall express the will of the people and must contribute to the advancement of the national interest.

"2. The organization, the program and the activity of the parties must be governed by national and democratic principles. Their leaders and governing committee must be elected by representative conventions of their members. *The charter of every party must be approved by the Constitutional Court which decides as to the conformity of its provisions in relation to the Constitution. No party shall have the right to participate in elections if its Charter has not had the aforementioned approval.* . . .

"4. The general functioning of the parties, as more specifically provided by law, shall be subjected to the continuous supervision of the Constitutional Court, which shall have the right to dissolve any party whatsoever whenever it ascertains serious violations of the Constitution or the laws.

"5. Political parties whose aims or activities are manifestly or covertly opposed to the fundamental principles of the form of government or tend to overthrow the existing social system or endanger the territorial integrity of the Country or its public security, shall be outlawed and dissolved by the decision of the Constitutional Court, as provided by law.

"6. The deputies of the party being dissolved shall be declared deposed of their office, and the seats held by them in Parliament, shall remain vacant until the termination of the parliamentary period."

Thus the parliamentary process becomes a mockery of democratic institutions. But there are additional provisions for strengthening the totalitarian aspects of the political process. Under Article 61, section 2, no one can be proclaimed a candidate, or be elected Deputy if:

"(f) he has been irrevocably convicted for active participation in a party, organization, association or union whose aim is the preparation and application of ideas intending to overthrow the existing political or social system or the detachment of part of the territory, for life."

Furthermore, in Article 56, section 2, we find:

"Those irrevocably convicted to a penalty whatsoever for acts or activities directed against the existing political or social system shall be denied the right to vote."

In sum, the Constitutional Court becomes a political policeman—an organ of ideological control over the parliamentary process which guards the enormous powers of the military establishment against the voice of the people.

This does not, however, complete the analysis. For beyond these provisions, the Constitution of 1968 establishes other "constitutional guarantees" that democracy shall not rear its head again in Greece.

THE EMASCULATION OF PARLIAMENT

Under the conditions detailed above, the Parliament assumes a Quisling status, and its functions are not worth specific mention. There are exceptions, however, which illustrate beyond doubt how the constitution functions. These exceptions deal with matters which are put *beyond the competence of the elected representatives of the people.*

Article 77, section 3, provides that:

"The establishment of (Parliamentary) Investigation Committees on matters pertaining to foreign policy or to the defense of the country is not permitted."

Again, Article 23 states:

"2. Emergency Law No. 465 of the year 1968 'on amendment and completion of some provisions of Law 1880/1951 on ship taxation, enlarging the protection

of Greek merchant marine beyond the one afforded by act 13 of legislative decree 2687/1953 'Concerning investment and protection of foreign capital' *cannot be amended*. Subsequent law to be issued only once and for all may amend it only to confer additional protection.

"3. Emergency Law 89 of the year 1967 'Concerning establishment in Greece of Foreign commercial and industrial companies' and Emergency Law 378 of the year 1968 supplementing the above, *cannot be amended*. Subsequent law to be issued only once and for all, may amend them only to confer additional protection."

Thus in the critical matters of foreign affairs, national defense and foreign investment; the Parliament, and thus public opinion, is excluded. The junta's enactments on foreign investment, which have turned Greece into "open territory" to foreign business interests, are made a permanent feature of the legislative structure.

THE NON-RIGHTS OF THE CITIZEN

Under the 1968 Constitution, *individual rights* are strictly limited. Article 9 provides that:

"1. Every person has the right to the free development of his personality provided he does not infringe on the rights of others and *does not violate the constitutional order and the moral code.*"

Article 14 establishes a peculiar concept of *freedom of the press*:

"4. Seizure of printed matter, either before or after publication is prohibited. *By exception, seizure after circulation is permitted by order of the public prosecutor: a) because of insult to the Christian and any other known religion; b) because of insult to the person of the King, the Crown Prince, their wives and children; c) because of a publication which 1) discloses information on the organization, composition, armament and deployment of the armed forces, or on the fortifications of the country, 2) is patently rebellious, or aims at overthrowing the regime, or the existing social system or is directed against the territorial integrity of the Country or creates defeatism, or constitutes an instigation or attempt to commit a crime of high treason, 3) intends to protect or diffuse for political explanation, views of outlawed parties or organizations; and d) because of indecent publications manifestly offending public decency in cases provided by law.*

"6. Press offenses are deemed offenses whose author is taken in the act, and are brought to trial without preliminary examination, as provided by law. Violations of this provision by the competent public prosecutor constitutes a serious disciplinary offense."

Thus printed matter is put under the direct and forceful control of the judicial branch of government which interprets and applies sweeping restrictions. Since the radio and television are also under the direct administrative control of the government, all mass communications media are in substance at the disposal of the new establishment.

The *rights of association and strike* are limited by the provisions of Article 19:

"2. Every union of persons, the purpose or the activity of which, are directed against the territorial integrity of the Country, or *the principles of the regime or the social order or the security of the State* or the political or civil liberties of the citizen shall be prohibited. It is dissolved by Court decree.

"4. The right of association of civil servants may be subject to certain restrictions imposed by law. The same restrictions on the right of association may be imposed on employees of Local government bodies, or other legal entities of public law, public enterprises, and public utilities.

"5. Resort to strike for the purpose of achieving political or other ends unrelated to material or moral interests of the workers shall be prohibited.

"6. Strike of any form by Civil service personnel of any kind, personnel of local government bodies or of other legal entities of public law, shall be prohibited. The participation of such personnel in a strike is considered itself as a submission of resignation."

Article 15 abolishes the *secrecy of private communications*. It states that:

"The secrecy of letters and of all other means of correspondence is inviolable. *A law defines the guarantees under which the judicial authority is not bound by secrecy, for reasons of national security and public order or for the revelation of heinous crime.*"

EMERGENCY POWERS: THE DAMOCLES SWORD

The 1968 Constitution contains one final feature which can be employed if all other constitutional safeguards and protections against democracy fail. These are the sweeping provisions of Article 25, which state that:

"1. In case of war, mobilization due to external dangers or serious disturbance or patent threat to the public order and the security of the Country from internal dangers, the King on the recommendation of the Council of Ministers may suspend by Royal Decree throughout the Country or in part thereof the operation of articles 10, 12, 13, 14, 15, 18, 19, 111, and 112 of the Constitution or some of them, and put into effect the then applicable law on 'State of Siege' and to establish extraordinary tribunals. This Law may not be modified while in operation."

THE NATION BELONGS TO THE ARMY

The Constitution of 1968 provides the colonels' junta with all the legal paraphernalia necessary to legitimize their indefinite stay in power. The Chief of the Armed Forces administers an internal security force which is bound to the preservation of a totalitarian ideology. The bureaucrats of the Constitutional Court have sweeping powers over parties, party platforms and qualifications of candidates for Parliament. The press is gagged. Individual rights are reduced to a dead letter. The right to vote becomes a privilege granted or not depending on the citizen's political views and political record.

The 1968 Constitution is no less than the continuation of martial law by other means. It is designed to forge a permanent link between the military regime of Greece and the global strategists of the U.S. Pentagon, as well as with the economic interests which they expedite. It might well be called "Crowned Neo-Colonial Militarism."

THE DUTY OF DEMOCRATIC GOVERNMENTS AND CITIZENS

The Greek people have rejected this constitution, for they know that it is no less than the legitimization of their oppression. Democratic and politically alert citizens and governments must reject it as well. They must not allow the Pentagon-CIA-State Department bureaucracy once again to sell them a false bill of goods. To do so is to passively collaborate in the Pentagon's colonization of Greece.

(The following commentary on the Greek Constitution was submitted by Professor Kousoulas as a supplement to his statement which appears on p. 358.)

AN INTERESTING DISCUSSION OF THE PROPOSED CONSTITUTION FOR GREECE

(Hon. Peter N. Kyros of Maine in the House of Representatives, April 4, 1968)

[As reprinted from the Congressional Record]

Mr. KYROS. Mr. Speaker, last Tuesday several of my colleagues had the opportunity to listen to Prof. D. George Kousoulas' report on his recent visit to Athens, Greece. A native of Greece and an American citizen since 1958, Professor Kousoulas is a recognized authority on Greek political affairs. Since last summer he has been advising the Greek Government on the revision of the Constitution. Three weeks ago he was again invited to Athens where he had the opportunity to discuss, in addition to constitutional matters, the prospects of democratic rule in Greece with key figures in the present Greek Government. He was able to review the situation with political leaders outside the government, in Greece and abroad.

Professor Kousoulas is chairman of the department of government at Howard University and the author of several books and numerous articles on Greek and Eastern European affairs. He is also a guest professorial lecturer on Soviet affairs at the National War College. His most recent book is "On Government: A Comparative Introduction."

I believe that Professor Kousoulas' remarks concerning the development in the nation of Greece are most helpful to all of us in understanding a complex situation. Surely, all of us are looking forward to the return of full democratic government in that nation which has been a steadfast ally of the United States.

Accordingly, I am pleased to insert in the record, for the benefit of my colleagues, the following remarks of Prof. D. George Kousoulas:

"The question is often raised whether the democratic processes had broken down in Greece prior to the April 21, 1967 coup to an extent which justified the action taken by the military. My personal view is that the democratic processes had been seriously disrupted by a series of ill-considered actions during the previous two years. The blame for these actions cannot be placed exclusively on any one individual or political camp. Prior to the military coup, the more vociferous elements in both major political camps were openly speaking in terms of extra-political, unconstitutional, even violent solutions of the political impasse. Almost no one viewed the elections scheduled for May 28, 1967 as the one democratic procedure which could resolve the dispute.

"But my personal view is unimportant. What matters most is that today—and at the same time of the military coup—a vast majority of Greeks from all political camps agreed tacitly or otherwise that the political leadership had ceased to function and that the likelihood of violent strife was more than mere academic speculation.

"But so much for the past. What is of far greater importance now is the future. How can we assure that democratic rule will soon be reestablished in Greece?

"There are two possibilities, I think. One is through "resistance", through a more or less violent opposition to the present government, possibly leading to another civil war. The other is through a constant and persistent effort, step by step, leading to a restoration of democratic rule in the foreseeable future—without the risk of violence and bloodshed.

"I feel that the first method is too risky. In addition it has presently little hope of achieving any results for the simple reason that the overwhelming majority, almost the totality of the Greek people do not want another civil war. They realize full well that civil war can only bring about the destruction of what has been so painfully created in the last few years; but civil war cannot guarantee the establishment of a truly democratic system.

"The second method of step by step transition to a democratic system appears to me far more promising and for that reason it merits further exploration.

"The question is: What are the prospects for applying the second method successfully, and bringing back to Greece a democratic form of government:

"Let us look at the record up to this point.

"Three weeks after the April 21 coup, the military government announced the appointment of a Constitutional Commission of Jurists with the task of drafting a revised Constitution. It must be noted that long before the military coup there had been widespread agreement in Greece that the 1952 Constitution was in need of extensive revision.

SIX MONTHS' WORK

"The Commission was given six months to prepare its draft. The draft was delivered on schedule—in spite of the King's abortive coup on December 13. On March 15, 1968 the Greek Prime Minister presented to the public the draft of the Commission and invited all interested persons inside and outside Greece to present their comments and offer suggestions and ideas. This open discussion is to continue till the end of May whereupon a smaller committee will prepare the final draft. By the end of June this draft will be submitted to the public for further public scrutiny and discussion during the months of July and August. Then on September 1, the final draft will be submitted to the electorate for approval or rejection in a referendum.

"The Greek press has already published articles and letters criticizing the draft of the Commission and offering suggestions. Much of the criticism deals with certain features of the draft which are considered to be undemocratic and anachronistic. More significant, I think, is the fact that the Greek Prime Minister himself presented publicly the basic principles which in the opinion of the government should underlie the new Constitution. These principles are:

"(a) To secure fully the personal rights and prescribe clearly the responsibilities of the citizens, guided by the Charter of Human Rights and by the need to secure the social and economic rights of the citizen in a modern and progressive society.

"(b) To prevent the rise of doubts and conflicts on the constitutionality of actions by one branch of government toward another.

"(c) To rule out the imposition of tyranny on the people by any of the constitutional factors. The only source of power is the people.

"(d) To protect democracy from its enemies.

"(e) To discourage the fragmentation of the political forces.

"(f) To reduce, as much as possible, the exchange of favors between the voters and the representatives and between the representatives and the executive.

"(g) To secure governmental stability.

"(h) To speed up the legislative process and the administrative operations.

"(i) To safeguard the democratic character of the political organizations. Democracy will not be served by personalista-type party organizations.

"(j) To secure a healthy and safe public life.

"Of course the problem is how to translate these general principles into specific constitutional provisions. Some of these principles are already reflected on the draft of the Commission. More, I am sure, will find expression in the final draft.

"So far the government has lived up to the timetable. The process of constitutional revision which started with the Constitutional Commission is now being carried forward to its logical conclusion. It is my understanding that parliamentary elections will follow soon after the promulgation of the new Constitution. This will be provided, I think, by one of its transitional clauses.

"This is the record.

"What then should be our attitude, our policy?

"One alternative, of course, is total indifference. But considering the strategic importance of Greece—more so now with the Soviet fleet plowing the waters of the Eastern Mediterranean—no serious person would find much merit in it.

"There are two other major alternatives:

"We may assume an uncompromising, critical, even hostile attitude and side with the opponents of the regime.

"Or . . . we may take notice of what has already been done, acknowledge the announced timetable, and encourage the government in Athens to take further steps in the proper direction at an accelerating rate.

"I feel that the second policy is more promising and more realistic, and has more chances of bringing democracy to Greece sooner.

"From my personal talks with the Prime Minister and with other key members of the Government, I gathered the distinct impression that they are genuinely interested in giving the country a truly democratic and modern Constitution.

"There is no question that several steps will have to be taken in the very near future to improve further the psychological and real climate necessary for a smooth transition to a democratic system. But in my judgment, a positive action on the part of our government will find ready response in Athens. For obvious reasons, the resumption of military aid can serve both our defense requirements and our interest in the speeding up the return of democracy to Greece."

(The following memorandum on the implementation of the 1968 Greek Constitution was supplied to the subcommittee by Dr. Adamantia Pollis, associate professor, New School for Social Research, New York, N.Y. It was written by a former Greek high court judge and others whose names cannot be revealed since they are still in Greece.)

HOW THE GREEK JUNTA APPLIES ITS OWN CONSTITUTION

The Constitution drafted by the Greek Military Junta can easily be shown to be lacking in most of the essential features of a truly democratic and liberal constitution. In this paper, however, we shall omit all criticism of the Constitution itself, and limit our purpose to describing to what extent it is being, in fact, applied.

Article 138 of the Constitution, which was allegedly approved by a majority of some 92% of Greek voters on 29 September 1968, provided that the Government is entitled to put various parts of the Constitution in force as and when they saw fit to do so. In application of this provision, the following articles were excepted from coming into force, in the beginning: No. 10, 12, 13 paras. 1, 14 paras. 1-3, 18, 19, 25 paras. 2-3, 58 paras. 1-2, 60, 111, 112 and 121. Generally speaking, they are the articles dealing with human rights and with parliamentary government. In the latter case, the non-application of art. 60, for instance, which deals with parliamentary elections, entails in fact the non-application of many other articles (61 to 83) which deal with the duties etc. of Parliament. Also, articles 30 to 58, dealing with the duties of the King, are in fact not properly applied since the King is in exile—although they have not officially been put into force.

At later dates, some of the articles originally suspended have been put into force, at least nominally. Thus:

On 16.11.68, art. 18 & 19—dealing respectively with the right to assemble and the right to form associations—were put into force in a restricted sense, i.e. as applicable only to existing recognized professional and other associations. On 9.4.69, they were nominally put into unrestricted force.

On 9.4.69, art. 13 para 1, dealing with the inviolability of the home, was nominally put into force.

On 10.4.70, art. 10 on Habeas Corpus was put into force.

The articles that have *not* yet been put into force therefore include at this date:

(a) Articles 60 and following, about parliamentary government.

(b) Articles 12 (citizens' right to their "natural judges"), 14 paras. 1-3 (freedom of expression and the Press), 25 paras. 2-3 (formalities to be observed for the proclamation of Martial Law), 58 paras. 1-2 (political parties), 111 (trial by jury), 112 (restriction of jurisdiction of Courts Martial to military personnel only), 121 (elected magistrates for local government).

ARTICLES NOMINALLY IN FORCE

Among the articles nominally in force, several are being in fact contravened by the Administration. Thus:

Article 9 guarantees the inviolability of personal freedom. Nevertheless, two institutions set limits to this.

(a) Any citizen may be seized and deported by the Executive, without trial or explanation other than that he is regarded as "a danger to public security". Deportees once numbered several thousands; now they are no more than a hundred, but the principle is the same. Besides, there is no guarantee for anyone that he may not find himself deported at a moment's notice and forced to live in a little village selected by the authorities, on an allowance of 17 drs. a day for *all* living expenses (about 25 p.). True, the institution of deportation existed in Greece before the colonels—a regrettable remnant of older times and the Civil War. Only then, it was decided by a committee of which the majority consisted of members of the judiciary, and the deportee could appeal against the decision to a higher committee composed entirely of senior magistrates. Now, in accordance with Law 187 of 1967, the decision belongs to a committee composed in majority of Executive officials, who simply carry out instructions of the Government, and appeals are judged by the Minister of Public Order. Deportation can also be ordered directly by the Ministers of Public Order and Justice, in accordance with a law passed by the dictator Kondylis in 1935; this law had not been applied since that time—not even by the Metaxas dictatorship—but it was revived by the present Government, and frequently applied. In 1969, Law No. 188 provided for the creation of a commission consisting of three senior magistrates empowered to review deportations decisions, on the application of the deportees; but this can occur only after three months of deportation have passed. Besides, the magistrates have been carefully chosen among the "tame" ones.

(b) Any citizen may be forbidden to leave the country. He is either refused a passport altogether, or issued with a passport and then stopped by the Police at the frontier. True, a law passed in 1953 allowed the authorities to refuse to issue a passport for reasons of public security, but the specific reasons had to be clearly stated. Recently, former minister G. Rallis (conservative) was prevented from leaving the country. He went to the courts about it, and lost his case; the arguments presented at the hearing in camera by police witnesses were, interestingly, that in the course of a previous journey Mr. Rallis had had "suspicious contacts" with former Prime Minister Karamanlis and the King and was therefore a public danger . . .

ARREST AND CUSTODY

Article 10 specifies the conditions under which a citizen may be arrested and held in custody. It provides that nobody may be arrested without a warrant, except in *flagrante delicto*; the warrant must be issued by the proper magistrate. Once thus arrested, the citizen must be brought up before a magistrate within 24 hours, and within three days the magistrate must either issue a warrant of remand in custody or release him.

Article 13 paragraph 1 establishes the inviolability of the home.

A lot of publicity was given to the putting into force of those articles, which together are supposed to guarantee the citizens' freedom from arbitrary arrest or

intrusion. Nevertheless, several dozens of people were arrested in the winter of 1970-71 in disregard of these provisions: that is to say, they were arrested and remanded in custody by order by the Military Governor alone, and kept incommunicado for some 5 months; among them were former judge Sartzetakis, M. P. Alevras, lawyers Vghenopoulos and Touloupas and many others. The lawyer of one of these detainees went to court about it; the court decided that, since articles 12 and 112 of the Constitution were not in force, and Martial Law was, the Military Code of Criminal Procedure took precedence over article 10; the latter has therefore been declared practically invalid for the time being *by a court*, since this was the only way of justifying its disregard by the military authorities.

The same considerations apply to art. 13; in a great number of cases, police have entered private homes at night, to arrest people or carry out a search, without a proper magistrate's warrant. Whenever a case of this kind has been brought to court, the police witnesses have invariably asserted that the owner of the house let the police in by his own free will—and the explanation was accepted by courts.

Article 18. This provides, as we noted before, for the freedom of citizens to assemble peacefully; no authorisation is required for meetings in closed spaces. Nominally, it is in force. In practise, its use for any purpose that might displease the government is greatly limited by non-legal pressures exercised by authorities on the owners of spaces (halls, theatres, etc.) suitable for meetings, not to rent them to "undesirable" users. Thus, the recently founded Society for the Study of Hellenic Problems—of outspoken liberal tendency has encountered serious difficulties in finding premises for a public lecture on the relations between Greece and the Common Market (a subject on which the Government is understandably touchy). The trouble about such interference is that it is practically impossible to prove. The man who is afraid enough of the Police (most people are) to refuse to rent his theatre hall to a liberal association will also be afraid to testify to the fact that he had been threatened by the Police into refusing.

FREEDOM OF ASSOCIATION

Article 19. This deals with freedom of associations, and with the rights of private associations of all kinds except political parties. Here, again, what happens is that the authorities interfere behind the scenes, as it were, to prevent the formation of an association or the election of a secretariat of which they disapprove. The Bar of Athens, and those of several other cities, are still governed by secretaries appointed by the Junta in 1967 to replace their elected ruling bodies, and the same applies to a great number of professional associations, trade unions, sports clubs etc. Once again, it is practically impossible to prove the interference in most cases, since it is usually unofficially exerted.

Articles 97 and 107 para 4 were openly violated by the Government in the notorious case of the decision of the Council of the State about the dismissed judges, in 1969. Briefly put: the Council of the State is the supreme administrative court, whose business it is to examine the legality of the Administration's acts and, if they are found illegal, to declare them null and void. In this case, the Council found that there had been a legal flaw in the procedure followed for the dismissal of several judges under the purge carried out (by virtue of a special Constitutional Act) in 1968, declared their dismissal null and void and ordered their reinstatement. The Government refused to comply with the decision, thus violating article 107 para. 4, which makes such decisions absolutely binding. Moreover, the Government forced the President of the Council to resign (literally: a decree of acceptance of his resignation was published in the Official Gazette, although no such resignation had been tendered), thereby violating art. 97 which provides that no member of the Judiciary (including the Council of the State) may be relieved of his functions by the Executive.

Article 107 para 4 has also been repeatedly violated in cases where decisions of the Council of the State have annulled orders of deportation or refusals of passports as illegal; the authorities have taken no notice of such decisions.

It will be noted that, in many of the cases cited above, the crucial point was whether redress could be obtained from the courts; and, in most cases, it could not. The Judiciary—which, under any Constitution, is the truest guardian of the citizens' rights—has to be independent in order to fulfill its function properly. This is no more the case in Greece, ever since it was purged in 1968 by the Junta. What counts is not so much the fact that nearly thirty judges, including the President and several members of the High Court, were summarily dismissed—a fact without precedent in the history of the country; it is

the fact that the proud spirit of the remaining magistrates, founded on their inviolability, has been broken; most of them have accepted to become tools of the dictatorship. And constitutional rights become a farce where there are no truly independent magistrates to sustain them.

Another lesson to be drawn from the present situation in Greece is that liberty is pointless if granted piecemeal. The entire machinery of Rule of Law rests on parts that are mutually dependent; the absence of one or two basic freedoms makes nonsense of the rest, even if the latter are granted on paper. As long as there is no true freedom of expression, no representative Government and no independent judiciary, it matters little if freedom of assembly or habeas corpus are nominally acknowledged. One may as well try to run an engine without two or three essential gears as hope to secure *some* degree of human rights under a dictatorship, especially under Martial Law and Courts Martial.

MEMORANDUM CONCERNING ACTIVITIES OF THOMAS PAPPAS

(The following memorandum was submitted on Sept. 17, 1971 by Mr. Elias Demetracopoulos as a supplement to his statement which appears on p. 64.)

This memorandum is written in response to the specific request of the Chairman of the House Foreign Affairs Subcommittee on Europe, Congressman Benjamin S. Rosenthal. This request was made on July 12, 1971 during my testimony before the Subcommittee. It aims at providing additional information on the activities of Thomas Pappas of Boston and Athens and, in particular in the words of Chairman Rosenthal, whether "United States policy is being influenced in any way other than, allegedly, on behalf of our national security and national interest." The present memorandum examines the following elements:

- a. Pappas' involvement in Greece's economic and political affairs.
- b. His role in American politics and influencing American foreign policy towards Greece.

INVOLVEMENT IN GREECE

Thomas Pappas entered the Greek scene in a controversial manner in the early 1960's when he proposed to the then government to undertake major industrial projects. The controversy originated when he sought and secured, through questionable and unorthodox procedures, monopolistic control over large sectors of the Greek economy. An agreement was reached and signed between Thomas Pappas and the Greek government, which in good faith, at the highest levels, was trying to prepare Greece for entry into the Common Market before her protected status as an associate member would expire. Even though this agreement involved investments of approximately \$110 million—a very large amount for Greece's economy—the deal was not submitted to parliamentary scrutiny or even formal discussion. The manner as well as the nature of the deal was immediately questioned by all opposition parties, but above all, by the leading opposition party, the liberal Center Union. These parties initially objected to the agreement on purely economic grounds. It was argued that the agreement means in fact that Greece leaves the entire matter of her industrialization up to one individual and the government is not even sure that all his promises will ever be fulfilled.

George Papandreou, the leader of the Center Union Party stated that the only thing that the Pappas Agreement achieves is the introduction in Greece of dangerous monopolies (see Parliamentary Minutes, February 1, 1963). From the standpoint of Greece's long range interests, the Pappas agreement placed a dangerous dependence on one man to create a key part of the viable competitive industrial base, which was of the utmost urgency and importance in view of, among other things, Greece's association with the economically advanced Common Market. The transition period, allowing for tariff protection on new industrial products expires in 1972 and tariffs on imports of these products would have to be steadily reduced before then. Pappas thus dominated the petrochemical side of Greece's economy during the critical years of remaining effective protection.

The monopolies that George Papandreou was referring to involved the production in Greece of 29 basic industrial products and the acquired rights by Thomas Pappas to have almost exclusive exploitation of the domestic oil market. During the electoral campaigns of November 1963 and February 1964, all po-